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Monday
December 20, 1993

Briefings on How To Use the Federal Register
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FOR: Any person who uses the Federal Register and Code of Federal Regulations.

WHO: The Office of the Federal Register.

WHAT: Free public briefings (approximately 3 hours) to present:

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2. The relationship between the Federal Register and Code of Federal Regulations.
3. The important elements of typical Federal Register documents.
4. An introduction to the finding aids of the FR/CFR system.

WHY: To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

WASHINGTON, DC

(TWO BRIEFINGS)

WHEN: January 13 at 9:00 am and 1:30 pm

WHERE: Office of the Federal Register, 7th Floor Conference Room, 800 North Capitol Street NW, Washington, DC (3 blocks north of Union Station Metro)

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DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 330

9 CFR Part 94

[Docket No. 91–017–2]

Garbage; Compliance Agreements

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: We are amending the regulations that apply to garbage that can introduce diseases or pests of livestock, poultry, or plants. The amended provisions require persons to enter into compliance agreements with the Animal and Plant Health Inspection Service before they handle or dispose of certain regulated garbage on or removed from a means of conveyance which has been in any port outside the continental United States and Canada within the previous 2-year period, or has been to or from any U.S. territory, possession, or Hawaii within the previous 1-year period. This change enhances our ability to enforce the regulations and, therefore, assists the effort to prevent the dissemination of plant pests and livestock and poultry diseases into or within the United States.

EFFECTIVE DATE: January 19, 1994.

FOR FURTHER INFORMATION CONTACT: Dr. Ronald B. Caffey, Assistant to the Deputy Administrator, Plant Protection and Quarantine, APHIS, USDA, room 438, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436–7633.

SUPPLEMENTARY INFORMATION:

Background

Our regulations concerning garbage are contained in 7 CFR 330.400 and 9 CFR 94.5 (referred to below as "the regulations"). The regulations are intended to prevent the dissemination of plant pests and livestock and poultry diseases.

On July 16, 1993, we published in the **Federal Register** (58 FR 38308–38311, Docket No. 91–017–1) a proposal to amend the regulations by requiring persons to enter into compliance agreements with the Animal and Plant Health Inspection Service (APHIS) before they handle or dispose of certain regulated garbage on or removed from a means of conveyance which has been in any port outside the continental United States and Canada within the previous 2-year period, or has been to or from any U.S. territory, possession, or Hawaii within the previous 1-year period.

In addition, we proposed to add a definition of person to 9 CFR 94.5(h)(4) for consistency with the definition of person in 7 CFR 330.100. We also proposed that any compliance agreement may be cancelled in writing by the Administrator of APHIS whenever it is found that the person who has entered into the compliance agreement has failed to comply with the regulations in 7 CFR 330.400 or 9 CFR 94.5 or the conditions contained in the agreement.

We solicited comments concerning our proposal for a 60-day comment period ending September 14, 1993. We received 2 comments by that date. They were from a State farm bureau federation and a veterinary medical association, and expressed support for adoption of the proposed rule without change.

Therefore, based on the rationale set forth in the proposed rule, we are adopting the provisions of the proposal as a final rule.

Executive Order 12291 and Regulatory Flexibility Act

We are issuing this rule in conformance with Executive Order 12291, and we have determined that it is not a "major rule." Based on information compiled by the Department, we have determined that this rule will have an effect on the economy of less than $100 million; will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and will not cause a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

This rule will not require persons to change their current practices. Almost all persons who handle and dispose of regulated garbage have been operating under compliance agreements. This rule will *require* the use of these agreements. The only cases where persons not currently under such agreements handle or dispose of regulated garbage are short-term situations involving persons not in the business of garbage disposal, where the person removes the garbage under the direction of an APHIS inspector or disposes of the garbage at an approved facility under the supervision of an APHIS inspector.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR part 3015, subpart V.)

Executive Order 12778

This rule has been reviewed under Executive Order 12778, Civil Justice Reform. This rule: (1) Preempts all State and local laws and regulations that are inconsistent with this rule; (2) has no retroactive effect; and (3) does not require administrative proceedings before persons may file suit in court challenging this rule. However, administrative remedies must be exhausted before persons may file suit in court challenging a decision to cancel a compliance agreement.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*), the information collection or recordkeeping requirements included in this final rule have been approved by the Office of Management and Budget (OMB), and there are no new requirements. The assigned OMB control number is 0579–0054 for 7 CFR 330.400. Additional requirements for information collection and recordkeeping will be submitted for approval to OMB for 9 CFR 94.5.

List of Subjects

7 CFR Part 330

Customs duties and inspection, Imports, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements, Transportation.

9 CFR Part 94

Animal diseases, Imports, Livestock, Meat and meat products, Milk, Poultry and poultry products, Reporting and recordkeeping requirements.

Accordingly, 7 CFR part 330 and 9 CFR part 94 are amended as follows:

TITLE 7—[AMENDED]

PART 330—FEDERAL PLANT PEST REGULATIONS; GENERAL; PLANT PESTS; SOIL, STONE, AND QUARRY PRODUCTS; GARBAGE

1. The authority citation for part 330 continues to read as follows:

Authority: 7 U.S.C. 147a, 150bb, 150dd-150ff, 161, 162, 164a, 450, 2260; 19 U.S.C. 1306; 21 U.S.C. 111, 114a; 136 and 136a; 31 U.S.C. 9701; 42 U.S.C. 4331, 4332; 7 CFR 2.17, 2.51, and 371.2(c).

2. Section 330.400 is amended by adding a new paragraph (j) and Office of Management and Budget control number information to read as follows:

§ 330.400 Regulation of certain garbage.

* * * * *

(j) *Compliance agreement and cancellation.*

(1) Any person engaged in the business of handling or disposing of regulated garbage must first enter into a compliance agreement with the Animal and Plant Health Inspection Service (APHIS). Compliance agreement forms (PPQ Form 519) are available without charge from local USDA/APHIS/Plant Protection and Quarantine offices, which are listed in telephone directories.

(2) A person who enters into a compliance agreement, and employees or agents of that person, shall comply with the following conditions and any supplemental conditions which shall be listed in the compliance agreement, as deemed by the Administrator to be necessary to prevent the dissemination into or within the United States of plant pests and livestock or poultry diseases:

(i) Comply with the provisions of 7 CFR 330.400;

(ii) Allow APHIS inspectors access to all records maintained by the person regarding handling or disposal of regulated garbage, and to all areas where handling or disposal of regulated garbage occurs;

(iii) Remove regulated garbage from a means of conveyance only in tight, leak-proof receptacles;

(iv) Move the receptacles of regulated garbage only to a facility approved in accordance with § 330.400(g)(2); and

(v) At the approved facility, dispose of the regulated garbage only through incineration, sterilization, grinding into a sewage system approved in accordance with § 330.400(g)(2), or in any other manner approved by the Administrator and described in the compliance agreement.

(3) Approval for a compliance agreement may be denied at any time if the Administrator determines that the requirements set forth in this subpart are not met, after notice of, and the reasons for, the proposed denial of the approval, and an opportunity to demonstrate or achieve compliance with such requirements, has been afforded to the compliance agreement applicant.

(4) Any compliance agreement may be canceled in writing by the Administrator whenever it is found that the person who has entered into the compliance agreement has failed to comply with this subpart. Any person whose compliance agreement has been cancelled may appeal the decision, in writing, within 10 days after receiving written notification of the cancellation. The appeal must state all of the facts and reasons upon which the person relies to show that the compliance agreement was wrongfully cancelled. As promptly as circumstances allow, the Administrator will grant or deny the appeal, in writing, stating the reasons for the decision. A hearing will be held to resolve any conflict as to any material fact. Rules of practice concerning a hearing will be adopted by the Administrator. This administrative remedy must be exhausted before a person can file suit in court challenging the cancellation of a compliance agreement.

(5) Where a compliance agreement is denied or cancelled, regulated garbage may continue to be unloaded from a means of conveyance and disposed of at an approved facility in accordance with § 330.400(g)(1).

(Approved by the Office of Management and Budget under control number 0579–0054.)

3. The Office of Management and Budget control number information appearing at the end of § 330.400(i)(5) is removed.

TITLE 9—[AMENDED]

PART 94—RINDERPEST, FOOT-AND-MOUTH DISEASE, FOWL PEST (FOWL PLAGUE), VELOGENIC VISCEROTROPIC NEWCASTLE DISEASE, AFRICAN SWINE FEVER, HOG CHOLERA, AND BOVINE SPONGIFORM ENCEPHALOPATHY: PROHIBITED AND RESTRICTED IMPORTATIONS

4. The authority citation for part 94 continues to read as follows:

Authority: 7 U.S.C. 147a, 150ee, 161, 162, 450; 19 U.S.C. 1306; 21 U.S.C. 111, 114a, 134a, 134b, 134c, and 134f; 31 U.S.C. 9701; 42 U.S.C. 4331, 4332; 7 CFR 2.17, 2.51, and 371.2(d).

5. In § 94.5, a new paragraph (h)(10) is added, to read as follows:

§ 94.5 Regulation of certain garbage.

* * * * *

(h) * * *

(10) *Person* means any individual, corporation, company, association, firm, partnership, society, or joint stock company.

6. In § 94.5, a new paragraph (i) is added immediately following new paragraph (h)(10) and preceeding the OMB control number as follows:

§ 94.5 Regulation of certain garbage.

* * * * *

(i) *Compliance agreement and cancellation.*

(1)Any person engaged in the business of handling or disposing of regulated garbage must first enter into a compliance agreement with the Animal and Plant Health Inspection Service (APHIS). Compliance agreement forms (PPQ Form 519) are available without charge from local USDA/APHIS/Plant Protection and Quarantine offices, which are listed in telephone directories.

(2) A person who enters into a compliance agreement, and employees or agents of that person, shall comply with the following conditions and any supplemental conditions which shall be listed in the compliance agreement, as deemed by the Administrator to be necessary to prevent the dissemination into or within the United States of plant pests and livestock or poultry diseases:

(i) Comply with the provisions of 9 CFR 94.5;

(ii) Allow APHIS inspectors access to all records maintained by the person regarding handling or disposal of regulated garbage, and to all areas where handling or disposal of regulated garbage occurs;

(iii) Remove regulated garbage from a means of conveyance only in tight, leak-proof receptacles;

(iv) Move the receptacles of regulated garbage only to a facility approved in accordance with § 94.5(f)(2); and

(v) At the approved facility, dispose of the regulated garbage only through incineration, sterilization, grinding into a sewage system approved in accordance with § 94.5(f)(2), or in any other manner approved by the Administrator and described in the compliance agreement.

(3) Approval for a compliance agreement may be denied at any time if the Administrator determines that the requirements set forth in this section are not met, after notice of, and the reasons for, the proposed denial of the approval, and an opportunity to demonstrate or achieve compliance with such requirements, has been afforded to the compliance agreement applicant.

(4) Any compliance agreement may be cancelled in writing by the Administrator whenever it is found that the person who has entered into the compliance agreement has failed to comply with this section. Any person whose compliance agreement has been cancelled may appeal the decision, in writing, within 10 days after receiving written notification of the cancellation. The appeal must state all of the facts and reasons upon which the person relies to show that the compliance agreement was wrongfully cancelled. As promptly as circumstances allow, the Administrator will grant or deny the appeal, in writing, stating the reasons for the decision. A hearing will be held to resolve any conflicts as to any material fact. Rules of practice concerning a hearing will be adopted by the Administrator. This administrative remedy must be exhausted before a person can file suit in court challenging the cancellation of a compliance agreement.

(5) Where a compliance agreement is denied or cancelled, regulated garbage may continue to be unloaded from a means of conveyance and disposed of at an approved facility in accordance with § 94.5(f)(1).

Done in Washington, DC, this 14th day of December 1993.

Patricia Jensen,

Deputy Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 93-30912 Filed 12-17-93; 8:45 am]

BILLING CODE 3410-34-P

Federal Crop Insurance Corporation

7 CFR Part 430

Sugar Beet Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Final rule; technical correction.

SUMMARY: This document contains a correction to final regulations which were published Tuesday, December 11, 1990 (55 FR 50814). As published, the regulation inadvertently included a duplication of tables addressing cancellation and termination dates. This rule serves to remove one of the tables, as it contains incorrect dates.

EFFECTIVE DATE: December 20, 1993.

FOR FURTHER INFORMATION CONTACT: Mari Dunleavy, Regulatory Specialist, Regulatory and Procedural Development, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington DC 20250, telephone (202) 254-8314.

SUPPLEMENTARY INFORMATION: This action has been reviewed under USDA procedures established by Executive Order 12291 and Departmental Regulation No. 1512-1. This action does not constitute a review as to the need, currency, clarity, and effectiveness of these regulations under those procedures. The sunset review date established for these regulations is May 1, 1994.

Kathleen Connelly, Acting Manager, FCIC, (1) has determined that this action is not a major rule as defined by Executive Order 12291 because it will not result in: (a) annual effect on the economy of $100 million or more; (b) major increases in costs or prices for consumers, individual industries, Federal, state, or local governments, or a geographical region; or (c) significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises in domestic or export markets; and (2) certifies that this action will not increase the federal paperwork burden for individuals, small businesses, and other persons and will not have a significant economic impact on a substantial number of small entities.

This action is exempt from the provisions of the Regulatory Flexibility Act, therefore, No Regulatory Flexibility Analysis was prepared.

This program is not subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials. See the Notice related to 7 CFR part 3015, subpart V, published at 48 FR 29115, June 24, 1983.

This action is not expected to have any significant impact on the quality of the human environment, health, and safety. Therefore neither an Environmental Assessment nor an Environmental Impact Statement is needed.

The Acting Manager, FCIC, has certified to the Office of Management and Budget (OMB) that these proposed regulations meet the applicable standards provided in section 2(a) and 2(b)(2) of Executive Order 12778.

This rule has been reviewed in accordance with Executive Order 12778. The provisions of this proposed rule are not retroactive and will preempt state and local laws to the extent such state and local laws are inconsistent herewith. The administrative appeal provisions located at 7 CFR part 400, subpart J must be exhausted before judicial action may be brought for actions taken under proceedings for the imposition of civil penalties under the Program Fraud Civil Remedies sections of these regulations.

This amendment does not contain information collections that require clearance by the Office of Management and Budget under the provisions of 44 U.S.C. chapter 35, the Paperwork Reduction Act.

The Office of General Counsel, as the Designated Official under section 6(a) of Executive Order 12612, Federalism, has determined that the policies and procedures contained in this proposed rule will not have substantial direct effects on states or their political subdivisions, or on the distribution of power and responsibilities among the various levels of government.

On December 11, 1990, FCIC published a final rule with the intent to simplify the sugar beet program in California and Texas with revising planting dates and the insurance period to more closely reflect farming practices. In so doing, FCIC intended to replace the cancellation and termination date table with one that more directly applied to sugar beet farming practices. This date table was published, however, the previous date table remained in print along with it. The former date table contains incorrect dates, and must be removed to avoid confusion.

As this rule simply clarifies and corrects a regulation, good cause is found that notice and public procedure thereon are impracticable, unnecessary, and contrary to the public interest. This rule is determined to be effective upon publication.

OMB control numbers applicable to this rule are found at 7 CFR part 400, subpart H.

List of Subjects in 7 CFR Part 430

Crop Insurance, Sugar beet.

Accordingly, FCIC amends the Sugar Beet Crop Insurance Regulations, 7 CFR part 430, as follows;

PART 430—SUGAR BEET CROP INSURANCE REGULATIONS

1. The authority citation for 7 CFC part 430 continues to read as follows:

Authority: 7 U.S.C. 1506, 1516.

§ 430.7 [Amended]

2. In § 430.7, the insurance policy, "15. Life of Contract: Cancellation and Termination," paragraph (d) is removed and paragraphs (e) and (f) are redesignated as (d) and (e).

Done in Washington, DC, on October 20, 1993.

Dallas R. Smith,

Acting Under Secretary, International Affairs and Commodity Programs, Chairman of the Board, Federal Crop Insurance Corporation.

[FR Doc. 93-30727 Filed 12-17-93; 8:45 am]

BILLING CODE 3410-08-M

Rural Telephone Bank

7 CFR Part 1610

Rural Electrification Administration

7 CFR Parts 1735, 1737, 1744, 1751, 1753

Rural Telephone Bank and Telephone Program Loan Policies, Procedures, and Requirements; Telecommunications System Planning and Design Criteria, and Procedures and Construction Policies and Procedures; and Telecommunications Standards and Specifications for Materials, Equipment and Construction

AGENCY: Rural Electrification Administration and Rural Telephone Bank, USDA.

ACTION: Interim rule with request for comments.

SUMMARY: The Rural Electrification Administration (REA) hereby amends its pre- and post-loan regulations for telephone borrowers to incorporate changes to the telephone loan program required by the Rural Electrification Loan Restructuring Act of 1993 (RELRA). These changes significantly restructure the telephone loan program. In particular, a tiered or multi-level system is established for the purpose of making the most economical use of telephone loan programs offered by the REA. In addition, the Rural Electrification Act of 1936, as amended, (the RE Act) now requires that a telecommunications modernization plan be established in a state before borrowers are eligible for REA and Rural Telephone Bank loan programs. RELRA, passed on November 1, 1993, established a deadline of 45 days after its enactment for the publication of this interim rule. All telephone loan applicants will be affected by this rule.

DATES: Interim rule effective December 20, 1993. Written comments concerning this interim rule must be received by REA or bear a postmark or its equivalent no later than February 18, 1994.

ADDRESSES: Submit written comments to Matthew P. Link, Director, Rural Telephone Bank Management Staff, U.S. Department of Agriculture, Rural Electrification Administration, 14th & Independence Avenue, SW., room 2832-S, Washington, DC 20250-1500. REA requests an original and three copies of all comments (7 CFR Part 1700). All comments received will be made available for public inspection at room 2238-S, at the address listed above, between 8:30 a.m. and 5 p.m. (7 CFR 1.27(b)).

FOR FURTHER INFORMATION CONTACT: Cheryl L. Gamboney, Management Analyst, Rural Telephone Bank Management Staff, at the address listed above, telephone number (202) 720-0530. For information specifically related to the state telecommunications modernization plan or engineering matters, contact Robert Peters, Assistant Administrator—Telephone Program, at (202) 720-9554.

SUPPLEMENTARY INFORMATION:

Executive Order 12866

This interim rule is issued in conformance with Executive Order 12866.

Executive Order 12778

This interim rule has been reviewed under Executive Order 12778, Civil Justice Reform. This interim rule will not:

(1) Preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule;

(2) Have any retroactive effect; and

(3) Require administrative proceedings before parties may file suit challenging the provisions of this rule.

Regulatory Flexibility Act Certification

REA has determined that this interim rule will not have a significant economic impact on a substantial number of small entities, as defined in the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The REA program provides loans to REA borrowers at interest rates and terms that are more favorable than those generally available from the private sector. REA borrowers, as a result of obtaining federal financing, receive economic benefits which exceed any direct economic costs associated with complying with REA regulations and requirements. Moreover, this action is in response to RELRA.

Information Collection and Recordkeeping Requirements

The existing recordkeeping and reporting burdens contained in this rule have been submitted to the Office of Management and Budget (OMB) for approval pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*). Because of the deadline imposed by the law, the additional recordkeeping and reporting burdens associated with the State Telecommunications Modernization Plan (STMP) have been submitted to OMB for approval on an emergency basis. However, in the absence of experience with such reporting, REA does not have sufficient data to determine the volume of activity that will be affected by this rule. Therefore, an estimate of the total burden of this information collection requirement is not provided at this time. Public comment is requested to assist in accurately estimating the burden of this information collection, including (1) estimates of the amount of time and cost required to develop an STMP and (2) the basis for these estimates. These information collection requirements will not be effective until approved by OMB. Send comments regarding these burdens or any other aspect of these collections of information, including suggestions for reducing the burden, to Matthew P. Link, at the address listed above and to the Office of Information and Regulatory Affairs, OMB, Attention: Desk Officer for USDA, room 3201, New Executive Office Building, Washington, DC 20503.

National Environmental Policy Act Certification

REA has determined that this interim rule will not significantly affect the quality of the human environment as defined by the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*). Therefore, this action does not require an environmental impact statement or assessment.

Catalog of Federal Domestic Assistance

The program described by this interim rule is listed in the Catalog of Federal Domestic Assistance Programs under 10.851, Rural Telephone Loans and Loan Guarantees, and 10.852, Rural Telephone Bank Loans. This catalog is available on a subscription basis from the Superintendent of Documents, the United States Government Printing Office, Washington, DC 20402–9325.

Executive Order 12372

This interim rule is excluded from the scope of Executive Order 12372, Intergovernmental Consultation. A Notice of Final Rule entitled Department Programs and Activities Excluded from Executive Order 12372 (50 FR 47034) exempts REA and RTB loans and loan guarantees to governmental and nongovernmental entities from coverage under this Order.

Background

REA is amending parts 1610, 1735, 1737, 1744, 1753 and adding part 1751 to implement Public Law 103–129, cited as the Rural Electrification Loan Restructuring Act of 1993 (RELRA). RELRA contains a number of provisions that amend the Rural Electrification Act (RE Act)(7 U.S.C. 901 *et seq.*) These amendments significantly restructure REA's lending policies and require changes in the regulations of REA and the Rural Telephone Bank (RTB).

Restructured Loan Programs. The amendments to sections 305 and 408 of the RE Act restructured REA's telephone loan programs to reflect the government's current fiscal and budgetary constraints. While the 2 percent telephone loan program was eliminated by RELRA, new hardship criteria have been established so the neediest borrowers can receive loans at interest rates of 5 percent. REA loans that were offered at the standard interest rate of 5 percent (insured loans made under section 305 of the RE Act) will now be made at an interest rate equal to the current cost of money to the Government but not more than 7 percent. In addition, REA cost-of-money loans will be made concurrently with RTB loans; i.e., a borrower will receive financing in part from both the REA cost-of-money program and in part from the RTB program. The loan amounts will be in the same proportions as the REA cost-of-money and RTB lending levels authorized by the Congress.

RELRA amendments to section 408(a)(2) of the RE Act have excluded certain purposes from eligibility for RTB financing. These same purposes are excluded from REA cost-of-money financing (under section 305(d)(2)). However, section 408(a)(1) was not amended and it references section 201 where such purposes are still eligible for RTB financing. In the absence of specific legislative direction, RTB proposes to give preference to loans for 408(a)(2) purposes over 408(a)(1) purposes, to the extent that it has completed loan applications for 408(a)(2) purposes. RTB adopted this policy because it is consistent with the statutory provision for concurrent loans that the loans be for the same purposes and because of the difficulty of administering two concurrent loans made for different purposes.

REA continues to provide guaranteed loans for borrowers requesting a guarantee. Borrowers that exceed the maximum TIER and subscriber density requirements of the REA cost-of-money and RTB programs, or do not participate in a state telecommunications modernization plan, may be eligible for guaranteed financing.

Hardship Priority System. The Hardship loan program is a new program that is substantially different than previous programs. REA is implementing a system that will prioritize for approval all applications qualifying for hardship loans and maximize the use of funds available for hardship purposes. This priority system will allow REA to implement the new hardship program in a manner that will (1) provide a fair and equitable method for approving hardship loans and (2) allocate the limited amount of hardship funds available to ensure that borrowers most in need will receive financing. This priority system will not preclude any qualified borrower from receiving hardship funds.

Rural Area Qualification Increased. Amended section 203(b) of the RE Act changes the definition of "rural areas" to mean those areas not within a city, village, or borough in excess of 5,000 inhabitants. Previously, only those areas with populations not in excess of 1,500 were eligible for financing under the RE Act.

Facilities Financed. Under amended sections 305(d) and 408(a) of the RE Act, certain facilities and purposes will no longer be financed depending on the type of loan. For example, REA will make hardship and guaranteed loans, but not concurrent REA cost-of-money and RTB loans, to refinance outstanding indebtedness and to finance (1) station apparatus owned by the borrower, (2) headquarters facilities, and (3) vehicles not used primarily in construction. In addition, REA will finance only facilities providing 1-party service. This restriction is aimed primarily at preventing the financing of facilities inconsistent with the objectives of providing advanced telecommunications services.

TIER Maintenance Requirements. In general, the security documents required in connection with REA loans, RTB loans, and REA loan guarantees contain provisions requiring borrowers to maintain certain TIER levels. These TIER maintenance requirements vary depending on the type of financing the borrower received (REA, RTB, or guaranteed). These TIER maintenance requirements are also related to the TIER requirements for loan eligibility. However, that relationship will not exist for future loans since loan eligibility will be based on a TIER "range" and not a specific level.

The new TIER maintenance requirement implemented by this rule will permit REA to require a minimum TIER no higher than 1.75 for all borrowers receiving any type of loan after the effective date of this rule. This new requirement will eliminate confusion and prevent inconsistency caused by varying TIER maintenance levels. In addition, it will not adversely impact borrowers but will ensure an adequate level of security. With telephone borrowers facing increasing competition and the potential for regulatory changes, adequate security is of critical concern to REA.

RTB Premiums Eliminated on New Loans. Amended section 408(b)(8) of the RE Act extends the prepayment authority of this section to allow the prepayment of new RTB loans (loans approved after the enactment date of RELRA) at face value.

Consulting Services. New section 18(c) of the RE Act authorizes the Administrator to permit a borrower to voluntarily provide funds for use by the Administrator in obtaining financial, engineering, legal or other technical assistance which may be required in the review of an application for a loan or loan guarantee. The purpose of this provision is to assist in the expeditious review of applications. The interim rule implementing this provision of RELRA is currently under development in REA.

State Telecommunications Modernization Plan (STMP). RELRA requires that a telecommunications modernization plan be established in a state before any telephone borrowers within the state can be eligible for hardship or concurrent REA cost-of-money and RTB loans. State legislators or public utility commissions are allowed 1 year after this interim rule takes effect to develop such a plan.

RELRA also requires REA to develop a regulation detailing the minimum requirements for an STMP. The purpose of an STMP is to promote improvements in the nation's public switched network.

It is REA's belief that national telecommunications "highways" will not and cannot be fully utilized unless improvements are made to what might be called the telecommunications "driveways", the local loops. Most loops cannot transmit information over 9600 bits per second (b/s). Consequently, many advanced telecommunications services are not available on the switched network or where available operate only on short loops which limits their use to densely populated areas.

RELRA requires that telephone lines be capable of transmitting: (1) Information at 1,000,000 bits per second (1Mb/s) and (2) a video image. REA has interpreted the former to mean 1.54 Mb/s, the North American standard digital transmission rate, and the latter to mean 150 Mb/s, the rate required to carry at least one uncompressed National Television Systems Committee (NTSC) television signal. This means that the capacity of an ordinary telephone loop must be increased by several orders of magnitude. The other requirements in the law are more easily met. Therefore, improving the loop has been REA's focus in preparing minimum STMP requirements and objectives.

Technical Amendments. In addition to the amendments mandated by RELRA, technical changes are made to 7 CFR 1735.14 and 1735.20. In § 1735.14, the existing paragraphs were renumbered, and in § 1735.20, reference to outdated REA bulletins was removed and replaced with a reference to CFR subparts.

List of Subjects

7 CFR Part 1610

Accounting, Loan programs—communications, Reporting and recordkeeping requirements, Rural areas, Telephone.

7 CFR Part 1735

Accounting, Loan programs—communications, Reporting and recordkeeping requirements, Rural areas, Telephone.

7 CFR Part 1737

Accounting, Loan programs-communications, Reporting and recordkeeping requirements, Rural areas, Telephone.

7 CFR Part 1744

Accounting, Loan programs-communications, Reporting and recordkeeping requirements, Rural areas, Telephone.

7 CFR Part 1751

Loan programs-communications, Telecommunications, Telephone.

7 CFR Part 1753

Loan programs-communications, Telecommunications, Telephone.

For reasons set forth in the preamble, chapters XVI and XVII of Title 7 of the Code of Federal Regulations are amended as follows:

7 CFR Chapter XVI

PART 1610—LOAN POLICIES

1. The authority citation for part 1610 continues to read as follows:

Authority: 7 U.S.C. 941 *et seq.*

2. In § 1610.1, the last sentence of the section is removed and three new sentences are added to read as follows:

§ 1610.1 General.

* * * Loans are made under section 408(a)(1) of the Act for purposes of section 201 of the Act. Loans are also made for purposes of section 408(a)(2) of the Act. The Bank will give preference to the use of loan funds for purposes set forth in section 408(a)(2) of the Act to the extent that it has completed applications for such loans.

§ 1610.6 [Removed].

3. Section 1610.6 is removed.

§ 1610.2 through 1610.5 [Redesignated].

4. Sections 1610.2 through 1610.5 are redesignated as §§ 1610.3 through 1610.6, respectively.

5. New § 1610.2 is added to read as follows:

§ 1610.2 Definitions.

As used in this part:

Act means the Rural Electrification Act of 1936, as amended (7 U.S.C. 901 *et seq.*).

Appropriated means funds appropriated based on subsidy.

Bank means the Rural Telephone Bank, an agency and instrumentality of the United States within the United States Department of Agriculture.

Borrower means any organization which has an outstanding telephone loan made by the Bank or REA, or guaranteed by REA, or which is seeking such financing.

Governor means the Governor of the Bank.

REA means the Rural Electrification Administration, an agency of the United States Department of Agriculture.

REA cost-of-money-loan means a loan made under section 305(d)(2) of the Act bearing an interest rate as determined under 7 CFR 1735.31(c). REA cost-of-money loans are made concurrently with Bank loans.

TIER (Times Interest Earned Ratio) means the ratio of the borrower's net income (after taxes) plus interest expense, all divided by interest expense. For the purpose of this calculation, all amounts will be annual figures and interest expense will include only interest on debt with a maturity greater than one year.

6. Redesignated § 1610.4 is revised to read as follows:

§ 1610.4 Loan applications.

No application for a loan will be considered for approval by the Bank until it has been reviewed by REA and the Governor has determined, based on such review, the eligibility of the applicant for a Bank loan and the amount thereof. Loan application forms are available from REA on request. No fees or charges are assessed for Bank loans.

7. Redesignated § 1610.6 is revised to read as follows:

§ 1610.6 Concurrent Bank and REA cost-of-money loans.

(a) The Bank makes loans, under section 408 of the Act, concurrently with REA cost-of-money loans made under section 305(d)(2) of the Act. To qualify for concurrent Bank and REA cost-of-money loans on or after November 1, 1993, a borrower must meet each of the following requirements:

(1) The average number of proposed subscribers per mile of line in the service area of the borrower is not more than 15, or the borrower has a projected TIER (including the proposed loans) of at least 1.0, but not greater than 5.0, as determined by the feasibility study prepared in connection with the loans, see 7 CFR part 1737, subpart H; and

(2) The Administrator of REA has approved and the borrower is participating in a telecommunications modernization plan for the state, see 7 CFR part 1751, subpart B.

(b) The loan amounts from each program (Bank, including amounts for class B stock, and REA cost-of-money) will be proportionate to the total amount of funds appropriated for the fiscal year for Bank loans and REA cost-of-money loans. To determine the Bank portion, the total loan amount will be multiplied by the ratio of Bank funds appropriated for the fiscal year to the sum of REA cost-of-money and Bank funds appropriated for the fiscal year in which the loan is approved. The same method would be used to calculate the REA cost-of-money portion (see 7 CFR 1735.31(b)). If during the fiscal year the amount of funds appropriated changes, the ratio will be adjusted accordingly and applied only to those loans approved afterwards.

(c) The actual rate of interest on the Bank loan shall be determined as provided in § 1610.10; the REA cost-of-money loan shall bear interest at a rate equal to the current cost of money to the Federal Government, on the date of advance of funds to the borrower, for loans of similar maturity, but not more than 7 percent per year (see 7 CFR 1735.31(c)).

8. § 1610.11, is revised to read as follows:

§ 1610.11 Prepayments.

(a) Bank loans approved before November 1, 1993, may be prepaid in accordance with the terms thereof, including payment of the premium as provided therein.

(b) A borrower may prepay part or all of a Bank loan made on or after November 1, 1993, by paying the outstanding principal and any accrued interest without being required to pay a prepayment premium.

7 CFR Chapter XVII

PART 1735—GENERAL POLICIES, TYPES OF LOANS, LOAN REQUIREMENTS—TELEPHONE PROGRAM

1. The authority citation for part 1735 is revised to read as follows:

Authority: 7 U.S.C. 901 *et seq.*, 1921 *et seq.*

2. In § 1735.2, the first sentence in the definition of "Rural area" is revised and six new definitions are added in alphabetical order to read as follows:

§ 1735.2 Definitions.

* * * * *

Advance of funds means the transferring of funds by REA to the borrower's construction fund.

* * * * *

Appropriated means funds appropriated based on subsidy.

* * * * *

Guaranteed loan means a loan guaranteed by REA under section 306 of the RE Act bearing interest at a rate agreed to by the borrower and the lender.

Hardship loan means a loan made by REA under section 305(d)(1) of the RE Act bearing interest at a rate of 5 percent per year.

* * * * *

REA cost-of-money loan means a loan made under section 305(d)(2) of the RE Act bearing an interest rate as determined under § 1735.31(c). REA cost-of-money loans are made concurrently with RTB loans.

RTB loan means a loan made by the Rural Telephone Bank (RTB) under section 408 of the RE Act bearing an interest rate as determined under 7 CFR 1610.10. RTB loans are made concurrently with REA cost-of-money loans.

Rural area means any area of the United States, its territories and insular possessions (including any area within the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau) not included within the boundaries of any incorporated or unincorporated city, village or borough having a population exceeding 5,000 inhabitants. * * *

* * * * *

3. Section 1735.10 is revised to read as follows:

§ 1735.10 General.

(a) The Rural Electrification Administration (REA) makes loans to furnish and improve telephone service in rural areas. Loans made or guaranteed by the Administrator of REA will be made in conformance with the Rural Electrification Act of 1936 (RE Act), as amended (7 U.S.C. 901 *et seq.*), and 7 CFR chapter XVII. REA provides borrowers specialized and technical accounting, engineering, and other managerial assistance in the construction and operation of their facilities when necessary to aid the development of rural telephone service and to protect loan security.

(b) REA will not make hardship loans, REA cost-of-money loans, or RTB loans for any purposes that, in REA's opinion, are inconsistent with the borrower achieving the goals stated in the State's telecommunications modernization plan within the timeframe stated in the plan (see 7 CFR part 1751, subpart B).

(c) REA will not deny or reduce a loan or an advance of loan funds based on a borrower's level of general funds.

(d) No fees or charges are assessed for any type of loan or guarantee provided by REA or the Rural Telephone Bank (RTB).

(e) The Administrator may use consultants funded by the borrower for financial, legal, engineering, and other technical advice in connection with the review of a borrower's loan application.

4. In § 1735.13, paragraph (c) is amended by removing the designations "(1)" and "(2)", paragraphs (c)(i) through (c)(iii) are redesignated as paragraphs (c)(1) through (c)(3), respectively, and new paragraph (d) is added to read as follows:

§ 1735.13 Location of facilities and service for nonrural subscribers.

* * * * *

(d) REA may also approve financing for facilities to serve nonrural areas if, at the time financing was first approved by REA:

(1) The nonrural area had a population of 1,500 or less when first financed by REA and that financing was approved prior to November 1, 1993; or

(2) The nonrural area had a population of 5,000 or less when first financed by REA and that financing was approved on or after November 1, 1993.

5. Section 1735.14 is revised to read as follows:

§ 1735.14 Borrower eligibility.

(a) REA makes loans to:

(1) Entities providing, or who may hereafter provide, telephone service in rural areas;

(2) Public bodies providing telephone service in rural areas as of October 28, 1949; and

(3) Cooperative, nonprofit, limited dividend or mutual associations.

(b) REA does not make loans to individuals.

(c) REA gives preference to those borrowers (including initial loan applicants) already providing telephone service in rural areas, and to cooperative, nonprofit, limited dividend, or mutual associations. To be eligible for a loan, a borrower must provide or propose to provide the basic local exchange telephone service needs of rural areas, and it must be incorporated.

6. In § 1735.17, paragraphs (a) and (b) are revised, paragraph (c) is redesignated as paragraph (d), and new paragraph (c) is added to read as follows:

§ 1735.17 Facilities financed.

(a) REA makes hardship and guaranteed loans to finance the improvement, expansion, construction, acquisition, and operation of systems or facilities (including station apparatus owned by the borrower, headquarters facilities, and vehicles not used primarily in construction) to furnish and improve telephone service in rural areas, except as noted under paragraph (c) of this section.

(b) REA makes concurrent REA cost-of-money and RTB loans to finance the improvement, expansion, construction, and acquisition of systems or facilities (excluding station apparatus owned by the borrower, headquarters facilities, and vehicles not used primarily in construction) to furnish and improve telephone service in rural areas, except as noted under paragraph (c) of this section.

(c) REA will not make any type of loan to finance the following items:

(1) Station apparatus (including PBX and key systems) not owned by the

borrower and any associated inside wiring;

(2) Certain duplicative facilities, see § 1735.12;

(3) Facilities to serve subscribers outside the local exchange service area of the borrower unless those facilities are necessary to furnishing or improving telephone service within the borrower's service areas; and

(4) Facilities to provide service other than 1-party.

* * * * *

7. In § 1735.20, paragraph (c) is revised to read as follows:

§ 1735.20 Acquisitions.

* * * * *

(c) For additional policies on acquisitions, see subpart F through J of this part.

8. In § 1735.21, paragraph (a) is revised to read as follows:

§ 1735.21 Refinancing loans.

(a) Hardship loans and guaranteed loans may include funds to refinance outstanding indebtedness of corporations furnishing telephone service when such refinancing is necessary and incidental to furnishing or improving telephone service in rural areas. Refinancing may not constitute more than 40 percent of the loan.

* * * * *

9. In § 1735.22, paragraph (f) is revised to read as follows:

§ 1735.22 Loan security.

* * * * *

(f) Borrowers with loans approved prior to November 1, 1993, must continue to meet the TIER maintenance requirements contained in their loan contract or mortgage. Loan contracts and mortgages covering hardship loans, REA cost-of-money loans, RTB loans, and guaranteed loans approved on or after December 20, 1993, shall contain a provision requiring the borrower to maintain a TIER of at least 1.0 during the Forecast period. At the end of the Forecast period, the borrower shall be required to maintain, at a minimum, a TIER at least equal to the projected TIER determined by the feasibility study prepared in connection with the loan, but not greater than 1.75. Execution and delivery of these loan contracts and mortgages shall supersede any conflicting TIER requirements in the borrower's previous loan contracts or mortgages.

* * * * *

10. § 1735.30 is revised to read as follows:

§ 1735.30 Hardship loans.

(a) REA makes hardship loans under section 305(d)(1) of the RE Act. These loans bear interest at a rate of 5 percent per year. To qualify for a hardship loan on or after November 1, 1993, a borrower must meet each of the following requirements:

(1) The average number of proposed subscribers per mile of line in the service area of the borrower is not more than 4;

(2) The borrower has a projected TIER (including the proposed loan or loans) of at least 1.0, but not greater than 3.0, as determined by the feasibility study prepared in connection with the loan, see 7 CFR part 1737, subpart H; and

(3) The Administrator has approved and the borrower is participating in a telecommunications modernization plan for the state, see 7 CFR part 1751, subpart B.

(b)(1) Hardship loan funds shall not be used to finance facilities located in any exchange of the borrower that has:

(i) More than 1,000 existing subscribers; and

(ii) An average number of proposed subscribers per mile of line greater than 17.

(2) Those facilities may, however, be financed with concurrent REA cost-of-money and RTB loans or a guaranteed loan if the borrower is eligible for such financing.

(c) The Administrator may waive the TIER requirement in paragraph (a)(2) of this section in any case in which the Administrator determines, and sets forth the reasons therefor in writing, that the requirement would prevent emergency restoration of the telephone system of the borrower or result in severe hardship to the borrower.

(d) In order to fairly and equitably approve hardship loans to ensure that borrowers most in need receive hardship financing first, REA will prioritize for approval all applications qualifying for hardship loans. The criteria in this paragraph will be used by the Administrator to rank, from high to low, applications that have been determined to qualify for hardship financing. Subject to the availability of funds, applications receiving the highest number of points will be selected for loan approval each fiscal year quarter (the application with the most points will be approved first, the second highest next, etc.) The following ranking methodology and loan approval conditions apply:

(1) *Ranking criteria.* Borrowers will receive points based on each of the following criteria applicable to the proposed loan:

(i) *Forecasted Average Number of Subscribers Per Mile of Line (Density).* The number of points assigned to a borrower will be the value 4 less the value of the borrower's forecasted density as determined by the Feasibility Study prepared in connection with the loan (i.e., if a borrower's forecasted system density is 2.75, the borrower would receive 4 less 2.75 points, or 1.25 points).

(ii) *Forecasted TIER.* The number of points assigned to a borrower will be the value 3 less the value of the borrower's forecasted TIER as determined by the Feasibility Study prepared in connection with the loan (i.e., if a borrower's forecasted TIER is 1.75, the borrower would receive 3 less 1.75 points, or 1.25 points).

(iii) *Unserved Territories.* Borrowers will receive points for loan funds included in the application to provide telephone service in areas previously unserved because it was considered cost prohibitive (for example, high costs resulting from the terrain, remoteness, or system design). In particular, borrowers will receive one tenth of a point, up to a maximum of 2 points, for each subscriber added (in connection with the loan) that currently resides in an unserved area.

(iv) *Plant Modernization.* Borrowers will receive 1 point for loan funds included in the application for at least one of the following basic plant modernizations or system improvements:

(A) Providing digital switching capabilities where those capabilities did not previously exist; and/or

(B) Upgrading to equal access; and/or

(C) Conversion of service to 1-party making an entire exchange all 1-party service.

(v) *Distance Learning and Medical Link Facilities.* Borrowers will receive 2 points for loan funds included in the application for the purpose of providing distance learning or medical link transmission facilities. If loan funds are included for both distance learning and medical link transmission facilities, borrowers will receive 3 points. (See 7 CFR part 1703 for definitions of distance learning and medical link.)

(vi) *Time Factor.* If a borrower's application has been ranked but cannot be approved due to the lack of funds available for loans in that quarter, the borrower will receive .25 points for each quarter in which its loan is pending but not approved.

(2) *Ranking and approval of loans.* Eligible loan applications (satisfying the requirements of 7 CFR 1737.21) will be ranked during the quarter in which the application is received. If an application

is received in which insufficient time remains in that quarter to process and rank the application, it will be ranked in the next quarter. At the beginning of the quarter and as soon as practical, REA will approve all eligible hardship loans ranked in the previous quarter to the extent loan funds are available, beginning with the borrowers that received the highest number of points and working downwards. Any qualified application that is not approved due to the lack of funds will be carried forward to the next quarter and ranked with all other eligible hardship loan applications in that quarter. Upon completion of the ranking and approval of loans, all borrowers will be informed in writing of the status of their loan applications.

(e) Optimal use of funds. REA retains the right to limit the size of hardship loans made to individual borrowers in order to more equitably distribute the amount of hardship funds appropriated among the greatest number of qualified borrowers. Generally, no more than 10 percent of the funds appropriated in any fiscal year may be loaned to a single borrower. In addition, REA retains the right to approve loans to borrowers that are ranked lower in the priority system, or without regard to when the application was received and ranked, if it is necessary to:

(1) Expedite restoration of service outages due to natural disasters; or

(2) Maximize the use of all available hardship funds appropriated for loans in that fiscal year.

(f) On request of any borrower who is eligible for a hardship loan for which funds are not available, the borrower shall be considered to have applied for concurrent REA cost-of-money and RTB loans under sections 305 and 408, respectively, of the RE Act.

(g) Hardship loans may be made simultaneously with concurrent REA cost-of-money and RTB loans or guaranteed loans.

11. Section 1735.31 is revised to read as follows:

§ 1735.31 REA cost-of-money and RTB loans.

(a) REA makes cost-of-money loans, under section 305(d)(2) of the RE Act, concurrently with RTB loans made under section 408 of the RE Act. To qualify for concurrent REA cost-of-money and RTB loans on or after November 1, 1993, a borrower must meet each of the following requirements:

(1) The average number of proposed subscribers per mile of line in the service area of the borrower is not more than 15, or the borrower has a projected TIER (including the proposed loans) of at least 1.0, but not greater than 5.0, as determined by the feasibility study prepared in connection with the loans, see 7 CFR part 1737, subpart H; and

(2) The Administrator has approved and the borrower is participating in a telecommunications modernization plan for the state, see 7 CFR part 1751, subpart B.

(b) The loan amounts from each program (REA cost-of-money and RTB, including amounts for class B stock) will be proportionate to the total amount of funds appropriated for the fiscal year for REA cost-of-money loans and RTB loans. To determine the REA cost-of-money portion, the total loan amount will be multiplied by the ratio of REA cost-of-money funds appropriated for the fiscal year to the sum of REA cost-of-money and RTB funds appropriated for the fiscal year in which the loan is approved. The same method would be used to calculate the RTB portion (see 7 CFR 1610.6(b)). If during the fiscal year the amount of funds appropriated changes, the ratio will be adjusted accordingly and applied only to those loans approved afterwards.

(c) The REA cost-of-money loan shall bear interest as described in paragraphs (c)(1) and (c)(2) of this section (the actual rate of interest on the RTB loan shall be determined as provided in 7 CFR 1610.10):

(1) Each advance of funds included in REA cost-of-money loans shall bear interest at a rate (the "Cost of Money Interest Rate") equal to the current cost of money to the Federal Government for loans of a similar maturity. The Cost of Money Rate is determined when the funds are advanced to the borrower but cannot exceed 7 percent per year.

(2) REA shall use the Federal Treasury Statistical Release (the "Statistical Release") issued by the United States Treasury to determine the interest rate for each advance of REA cost-of-money loan funds. Generally, the Statistical Release is issued each Monday to cover the preceding week. REA shall determine the Cost of Money Interest Rate as follows:

(i) Each advance shall bear the interest rate stated in the applicable Statistical Release for Treasury constant maturities with a maturity similar to that of the advance.

(ii) REA shall determine the interest rate for an advance bearing a maturity other than those stated in the applicable Statistical Release by straight-line interpolation between the next higher and next lower stated maturities.

(iii) The first Statistical Release published after the date of an advance shall apply to that advance.

(iv) If the interest rate determined under paragraph (c)(2)(i) or (c)(2)(ii) of this section is higher than 7 percent, then the advance shall bear interest at the rate of 7 percent per year.

(v) Advances with maturities greater than 30 years shall bear interest at the rate stated in the applicable Statistical Release for 30-year maturities.

(vi) REA may use an alternative method to determine the Cost of Money Interest Rate if the Treasury ceases to issue the Statistical Release or changes its format or frequency of issue so that it is no longer appropriate for use in the manner described in paragraph (c)(2) of this section. In this eventuality, REA shall immediately notify all borrowers with unadvanced REA cost-of-money loan funds. REA may, with the borrower's consent, determine the Cost of Money Interest Rate on a case-by-case basis for subsequent advances of REA cost-of-money loan funds but may also decide, in its discretion, that it is unable to continue advancing funds until an alternative method is in effect.

(vii) Refer to § 1735.43(a) for additional information on maturities of REA loans.

(viii) REA shall provide borrowers with prompt written confirmation of the Cost of Money Interest Rate borne by each advance of funds included in a REA cost-of-money loan.

(d) On request of any borrower who is eligible for concurrent REA cost-of-money and RTB loans for which funds are not available, the borrower shall be considered to have applied for a loan guarantee under section 306 of the RE Act.

(e) Concurrent REA cost-of-money and RTB loans may be made simultaneously with hardship loans or guaranteed loans.

12. In § 1735.32, paragraph (a) is revised, paragraphs (b) through (k) are redesignated as paragraphs (c) through (l), respectively, and paragraph (b) is added to read as follows:

§ 1735.32 Guaranteed loans.

(a) *General.* Loan guarantees under this section will be considered for only those borrowers specifically requesting a guarantee. Borrowers may also specify that the loan to be guaranteed shall be made by the Federal Financing Bank (FFB). REA provides loan guarantees pursuant to section 306 of the RE Act. Guaranteed loans may be made simultaneously with hardship loans or concurrent REA cost-of-money and RTB loans. No fees or charges are assessed for any guarantee of a loan provided by REA. In view of the Government's guarantee, REA generally obtains a first lien on all assets of the borrower (see § 1735.46).

(b) *Requirements.* To qualify for a guaranteed loan, a borrower must have a projected TIER (including the proposed loan or loans) of at least 1.5 as determined by the feasibility study prepared in connection with the loan. In addition, a borrower must meet all requirements set forth in the regulations applicable to a loan made by REA with the exception that it is not required to participate in a state telecommunications modernization plan and is not subject to a subscriber per mile eligibility requirement, as provided in § 1735.31(a).

* * * * *

13. In redesignated § 1735.32(k), Payments under the contract of guarantee, the reference "§ 1735.32(i)(3)" is changed to read "§ 1735.32(j)(3)".

14. In § 1735.74, existing paragraph (a)(14) is redesignated as paragraph (a)(15), and new paragraph (a)(14) is added to read as follows:

§ 1735.74 Submission of data.

* * * * *

(14) A certification, signed by the president of the borrower, that the borrower is participating in the State's telecommunications modernization plan (for information concerning the plan, see 7 CFR part 1751, subpart B). This certification is not required if the borrower is seeking a guaranteed loan.

* * * * *

PART 1737—PRE-LOAN POLICIES AND PROCEDURES COMMON TO GUARANTEED AND INSURED TELEPHONE LOANS

1. The authority citation for part 1737 is revised to read as follows:

Authority: 7 U.S.C. 901 *et seq.*, 1921 *et seq.*

2. In § 1737.2, the first sentence in the definition of "Rural area" is revised and four new definitions are added in alphabetical order to read as follows:

§ 1737.2 Definitions.

* * * * *

Guaranteed loan means a loan guaranteed by REA under section 306 of the RE Act bearing interest at a rate agreed to by the borrower and the lender.

Hardship loan means a loan made by REA under section 305(d)(1) of the RE Act bearing interest at a rate of 5 percent per year.

* * * * *

REA cost-of-money loan means a loan made under section 305(d)(2) of the RE Act bearing an interest rate as determined under 7 CFR 1735.31(c). REA cost-of-money loans are made concurrently with RTB loans.

* * * * *

RTB loan means a loan made by the Rural Telephone Bank (RTB) under section 408 of the RE Act bearing an interest rate as determined under 7 CFR 1610.10. RTB loans are made concurrently with REA cost-of-money loans.

Rural area means any area of the United States, its territories and possessions (including any area within the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau) not included within the boundaries of any incorporated or unincorporated city, village or borough having a population exceeding 5,000 inhabitants. * * *

* * * * *

3. In § 1737.11, paragraph (h) is revised and new paragraph (i) is added to read as follows:

§ 1737.11 Preapplication determinations.

* * * * *

(h) *Loans for a portion of a system.* If it is impractical to finance facilities to provide adequate service throughout the borrower's entire telephone service area, REA will consider a loan application to finance improvements to a portion of a borrower's system.

(i) *Telecommunications modernization plan.* A borrower applying for hardship or concurrent REA cost-of-money and RTB loans should refer to 7 CFR part 1751, subpart B.

4. In § 1737.22, new paragraph (a)(20) is added to read as follows:

§ 1737.22 Supplementary information.

* * * * *

(a) * * *

(20) A certification, signed by the president of the borrower, that the borrower is participating in the State's telecommunications modernization plan (for additional information concerning the plan, see 7 CFR part 1751, subpart B). This certification is not required if the borrower is seeking a guaranteed loan.

* * * * *

5. In § 1737.32, a sentence is added to the end of paragraph (a) and the first sentence of paragraphs (f)(1)(viii) (A) and (B) and all of paragraph (C) are revised to read as follows:

§ 1737.32 Loan design (LD).

(a) * * * The LD must conform to the borrower's state telecommunications modernization plan unless the borrower is seeking a guaranteed loan (for additional information concerning the plan, see 7 CFR part 1751, subpart B).

* * * * *

(f) * * *

(1) * * *

(viii) *Investment in nonrural areas.*

(A) For initial loans, or loans for areas not previously financed by REA, the borrower must fully discuss proposed improvements or expansions in an exchange serving a community over 5,000 population. * * *

(B) For subsequent loans, the borrower must fully discuss as specified in paragraph (f)(1)(viii)(A) of this section proposed improvements or expansions in an exchange serving a community over 5,000 population which had a population of more than 5,000 at the time the facilities to serve the community were first financed by REA. * * *

(C) For subsequent loans, the borrower shall state whether the population of a community, which is currently more than 5,000, was considered rural at the time REA first financed the facilities to serve the community. Detailed cost estimates are not required if the population was considered rural at the time REA first financed facilities to serve the community, see 7 CFR 1735.13(d).

* * * * *

6. In § 1737.50, "and" at the end of paragraph (a)(4) is removed, paragraph (a)(5) is redesignated as paragraph (a)(6), and new paragraph (a)(5) is added to read as follows:

§ 1737.50 Review of completed loan application.

(a) * * *

(5) Evidence that the borrower is participating in a telecommunications modernization plan in the state where the proposed construction will occur, unless the borrower is seeking a guaranteed loan; and

* * * * *

7. In § 1737.70, paragraph (d) is revised to read as follows:

§ 1737.70 Description of feasibility study.

* * * * *

(d) Variable interest rate loans. After June 10, 1991, and prior to November 1, 1993, REA made certain variable rate loans at interest rates less than 5 percent but not less than 2 percent. For those borrowers that received variable rate loans, this paragraph describes the method in which interest rates are adjusted. The interest rate used in determining feasibility is the rate charged to the borrower until the end of the Forecast period for that loan. At the end of the Forecast period, the interest rate for the loan may be annually adjusted by the Administrator upward to a rate not greater than 5 percent, or downward to a rate not less than the rate determined in the feasibility study on which the loan was based, based on the borrower's ability to pay debt service and maintain a minimum TIER of 1.0. Downward and upward adjustments will be rounded down to the nearest one-half or whole percent. To make this adjustment, projections set forth in the loan feasibility study will be revised annually by REA (beginning within four months after the end of the Forecast period) to reflect updated revenue and expense factors based on the borrower's current operating condition. Any such adjustment will be effective on July 1 of the year in which the adjustment was determined. If the Administrator determines that the borrower is capable of meeting the minimum TIER requirements of 7 CFR 1735.22(f) at a loan interest rate of 5 percent on a loan made as described in this paragraph, then the loan interest rate shall be fixed, for the remainder of the loan repayment period, at the standard interest rate of 5 percent.

* * * * *

8. New § 1737.71 is added to read as follows:

§ 1737.71 Interest rate to be considered for the purpose of assessing feasibility for loans.

(a) For purposes of determining the creditworthiness of a borrower for concurrent REA cost-of-money and RTB loans, the Administrator shall assume that the loans, if made, would bear interest at the Treasury rate on the date of determination as described in paragraph (b) of this section. If the Treasury rate exceeds 7 percent, the interest rate used to determine eligibility for the REA cost-of-money loan will be 7 percent.

(b) The 30-year Treasury rate will be used in all feasibility studies for loans with a final maturity of at least 30 years. A straight-line interpolation between other Treasury rates will be used to determine the rate used in feasibility studies for loans with final maturities of less than 30 years.

(c) The Treasury rate will be obtained each Tuesday, or as soon as possible thereafter, from the Federal Reserve. The rate for the current week, from the column labeled "This week" in the Federal Reserve statistical release, will be used from that Wednesday through the following Tuesday.

(d) As used in this section, the "date of determination" means the date of the feasibility study used in support of the loan recommendation.

PART 1744—POST-LOAN POLICIES AND PROCEDURES COMMON TO GUARANTEED AND INSURED TELEPHONE LOANS

1. The authority citation for part 1744 continues to read as follows:

Authority: 7 U.S.C. 901 *et seq.*, 1921 *et seq.*

2. In § 1744.61, paragraphs (h) through (l) and (m) are redesignated as paragraphs (i) through (m) and (o), respectively, and new paragraphs (h) and (n) are added to read as follows:

§ 1744.61 Definitions.

* * * * *

(h) *Hardship loan* means a loan made by REA under section 305(d)(1) of the RE Act bearing interest at a rate of 5 percent per year.

* * * * *

(n) *REA cost-of-money loan* means a loan made under section 305(d)(2) of the RE Act bearing an interest rate as determined under 7 CFR 1735.31(c). REA cost-of-money loans are made concurrently with RTB loans.

* * * * *

3. In § 1744.67, paragraphs (a) introductory text, (a)(1), and (a)(2) introductory text are revised, and paragraph (e) is added, to read as follows:

§ 1744.67 Temporary excess construction funds.

(a) When unanticipated events delay the borrower's disbursement of advanced funds, the funds may be used as follows:

(1) With REA loan funds for loans approved prior to November 1, 1993, or hardship loan funds, the borrower may invest the funds in 5 percent Treasury Certificates of Indebtedness—REA Series.

(2) With REA cost-of-money, FFB or RTB loan funds, the following apply:

* * * * *

(e) For REA loans approved prior to October 1, 1991, the borrower may return advanced funds to REA as a refund of an advance. Interest stops accruing on the refunded advance upon receipt by REA. A refunded advance may be readvanced. A refund of an advance shall be sent to the Rural Electrification Administration, United States Department of Agriculture, Collections and Custodial Section, Washington, DC, 20250. The borrower should clearly indicate that this is a refund of an advance, and not a loan payment or prepayment.

4. In section 1744.68, paragraph (a) is revised to read as follows:

§ 1744.68 Order and method of advances of telephone loan funds.

(a) Borrowers may specify the sequence of advances of funds under any combination of approved telephone loans from REA, RTB, or FFB, except that for all loans approved on or after November 1, 1993, the borrower may use loan funds:

(1) Only for purposes for which that type of loan (i.e. Hardship, REA cost-of-money, RTB, or FFB) may be made; and

(2) Only in exchanges that qualify for the type of loan from which the funds are drawn.

* * * * *

1. Part 1751 is added to read as follows:

PART 1751—TELECOMMUNICATIONS SYSTEM PLANNING AND DESIGN CRITERIA, AND PROCEDURES

Subpart A—[Reserved]

Sec.
1751.1–1751.99 [Reserved]

Subpart B—State Telecommunications Modernization Plan

1751.100 Definitions.
1751.101 General.
1751.102 STMP developer—eligibility.
1751.103 Loan requirements.
1751.104 Obtaining REA approval of a proposed STMP.
1751.105 Amending an STMP.
1751.106 STMP requirements and objectives.

Authority: 7 U.S.C. 901 *et seq.*, 1921 *et seq.*

Subpart A—[Reserved]

§§ 1751.1–1751.99 [Reserved]

Subpart B—State Telecommunications Modernization Plan

§ 1751.100 Definitions.

As used in this subpart:

Act. The Rural Electrification Act of 1936, as amended (7 U.S.C. 901 *et seq.*).

Basic Rate Interface. The form of Integrated Services Digital Network (ISDN) which has a total bandwidth of 144 kilobits per second (kb/s).

Bit rate. The rate of transmission of telecommunications signals or intelligence in binary (two state) form in bits per unit time, e.g., Mb/s (megabits per second), kb/s (kilobits per second), etc.

Borrower. Any organization which has an outstanding telephone loan made by REA or the Rural Telephone Bank, or guaranteed by REA, or which is seeking such financing.

Channel. A path suitable for the transmission of communications between two or more points, ordinarily between two or more stations or between channel terminations in telecommunications company central offices. A channel may be furnished by wire, fiber optics, radio or a combination thereof.

Hardship loan. A loan made by REA under section 305(d)(1) of the RE Act bearing interest at a rate of 5 percent per year.

ISDN (Integrated Services Digital Network). An integrated digital network in which the same digital switches and digital paths are used to establish connections for different services, for example, telephony and data. (Verbatim from the American National Standards Institute, T1.226–1992.)

Local power. Electrical source, provided by someone other than the telecommunications utility, used for powering telecommunications equipment.

Loop. A dedicated facility which connects the customer's station to the public switched network. The loop may consist of twisted pair copper wire, coaxial cable, fiber optic cable, radio, or a combination of these. It may also include dedicated electronic or lightwave transmission equipment.

Mileage or Zone Charges. Assessed telephone charges which are over and above the basic rate and which are distance sensitive.

PCS (Personal Communications Service). PCS is an emerging technology. It is generally described as a communications service that is customized to the needs of the user; where the telephone number is assigned to the individual rather than to the terminal apparatus. PCS will include both wireline and wireless service. It is envisioned that it will carry voice, data, and many other types of communications.

Primary Rate Interface. The form of ISDN which has a total bandwidth of 1.544 Mb/s.

PUC (Public Utilities Commission). The public utilities commission, public service commission or other state body with such jurisdiction over rates, service areas or other aspects of the services and operation of providers of telecommunications services as vests in the commission or other body authority, to the extent provided by the state, to guide development of telecommunications services in the state.

REA cost-of-money loan. A loan made under section 305(d)(2) of the RE Act bearing an interest rate as determined under 7 CFR 1735.31(c). REA cost-of-money loans are made concurrently with RTB loans.

RTB loan. A loan made by the Rural Telephone Bank (RTB) under section 408 of the RE Act bearing an interest rate as determined under 7 CFR 1610.10. RTB loans are made concurrently with REA cost-of-money loans.

State. Each of the 50 states of the United States and its territories and insular possessions of the United States. This does not include countries in the Compact of Free Association.

STMP (State Telecommunications Modernization Plan). A plan, which has been approved by REA, for improving the public switched network of a state. The STMP must conform to the provisions of this subpart and apply to all telecommunications providers in the state.

Telecommunications. The transmission or reception of voice, data, sounds, signals, pictures, writings, or signs of all kinds, by wire, fiber, radio, light, or other visual or electromagnetic means.

§ 1751.101 General.

(a) It is the policy of REA that every state have a State Telecommunications Modernization Plan (STMP) which provides for the improvement of the state's public switched network.

(b) A proposed STMP must be submitted to REA for approval. REA will approve the proposed STMP if it conforms to the provisions of this subpart. Once obtained, REA's approval of an STMP can not be rescinded.

§ 1751.102 STMP developer—eligibility.

(a) Each state, either by statute or through its Public Utility Commission (PUC), is eligible until December 20, 1994 to develop a proposed STMP and deliver it to REA. REA shall reject an STMP submitted by a commission or body other than the state legislature or PUC.

(b) A state must notify all telecommunications providers in the state that are part of the public switched network of its intent to develop a proposed STMP. The state is encouraged to consider all such providers' views and incorporate these views in the STMP.

(c) If a state is no longer eligible to develop an STMP, as described in paragraph (a) of this section, eligibility to develop the STMP passes to a majority of the REA telephone borrowers within the state.

(d) No REA telephone borrower that wishes to participate in developing the STMP shall be excluded by other borrowers.

(e) The majority of REA telephone borrowers developing the STMP should solicit the views of other telecommunications providers in the state.

§ 1751.103 Loan requirements.

For information about loan eligibility requirements in relation to the STMP, see 7 CFR part 1735. In particular, REA will not make hardship loans, REA cost-of-money loans, or RTB loans after December 20, 1994 to:

(a) A borrower for telecommunications improvements in a state that does not have an STMP; or

(b) A borrower that does not agree to construct its financed facilities in accordance with the STMP approved for the state in which the telecommunications improvements are to be made.

§ 1751.104 Obtaining REA approval of a proposed STMP.

(a) To obtain REA approval of a proposed STMP, the developer must submit the following to REA:

(1) A certified copy of the statute or commission order, if the state is the developer, or a written request for REA approval of the proposed STMP signed by an authorized representative of the developer, if a majority of REA telephone borrowers is the developer; and

(2) Three copies of the proposed STMP.

(b) Generally, REA will review the proposed STMP within (30) days and either:

(1) Approve the STMP if it conforms to the provisions of this subpart in which case REA will return a copy of the STMP with notice of approval to the developer; or,

(2) Not approve the proposed STMP if it does not conform to the provisions of this subpart. In this event, REA will return the proposed STMP to the developer with specific written comments and suggestions for modifying it so that it will conform to the provisions of this subpart. REA will invite the developer to submit a modified proposed STMP for REA approval. This process can continue until the developer gains approval of a proposed STMP unless the developer is a state whose eligibility has expired. If the state's eligibility has expired, REA will return the proposed STMP unapproved.

§ 1751.105 Amending an STMP.

(a) The developer of the REA approved STMP may amend the STMP if REA finds the proposed changes continue to conform to the provisions of this subpart.

(b) The procedure for requesting approval of an amended STMP is identical to the procedure for a proposed STMP except that there are no time limits on the eligibility of the developer.

(c) The existing STMP remains in force until REA has approved the proposed amended STMP.

§ 1751.106 STMP requirements and objectives.

(a) A State Telecommunications Modernization Plan must set service requirements and objectives for improving the public switched network. Although objectives must be part of an STMP, they are to be considered targets and not requirements. The minimum requirements and objectives are described in paragraphs (b) through (d) of this section and are grouped by timeframe, i.e., short-term, medium-term, and long-term. The STMP shall provide that requirements be implemented by the end of each timeframe. REA will not approve an STMP unless it specifically provides that all telecommunications improvements are to be deployed concurrently in rural and non-rural areas. REA understands that changes in standards, technology, regulation, and the economy could require amending the STMP. See § 1751.105 of this subpart.

(b) *Short-term requirements and objective.* The short-term shall not exceed five years from the date of REA's approval of the STMP. The minimum short term requirements and objective are as follows:

(1) *Requirements.* (i) Telephone systems must be constructed so that every subscriber can be provided 1-party service without zone or mileage charges. Existing multi-party subscribers would be allowed to maintain multi-party service only if they requested it and approval is granted by the PUC.

(ii) Every analog subscriber line must be capable of carrying at least 9600 b/s data when equipped with a modem.

(iii) All new switching equipment must be capable of performing at a minimum standard comparable to Basic and Primary Rate ISDN and Signaling System 7.

(iv) All new and rebuilt copper twisted pair feeder or distribution plant must be unloaded.

(v) Custom calling features and enhanced 911 emergency service, i.e., automatic number identification, called party hold, ringback, etc., must be available to every subscriber.

(vi) A generic design for rebuilding the telephone network must be adopted by the STMP developer. Under this generic design, each subscriber loop must be capable of carrying a 150 Mb/s signal without using local power at the subscriber end.

(vii) Adoption by telecommunications providers of flexible tariffs which allow for and encourage distance learning and medical links applications (see 7 CFR part 1703).

(2) *Objective.* Implementation where appropriate of the 150 Mb/s design (described in paragraph (b)(1)(vi) of this section) in all new construction as soon as the design is adopted.

(c) *Medium-term requirements and objectives.* The medium-term shall not exceed ten years from the date of REA's approval of the STMP. The minimum medium-term requirements and objectives are as follows:

(1) *Requirements.* (i) All new service shall operate at the Basic Rate Interface (144kb/s) or higher without using local power;

(ii) Deployment of Primary Rate Interface ISDN (1.544 Mb/s) as the new "standard" wired telecommunications channel; and

(iii) Integration of Personal Communications Service into the telecommunications network;

(2) *Objectives.* (i) Upgrade all facilities to be capable of carrying a minimum 150 Mb/s signal without using local power.

(ii) Deployment of central office systems capable of switching 150 Mb/s.

(d) *Long-term objective.* The minimum long term objective is universal availability of a minimum 150 Mb/s telecommunications channel within 15 years.

PART 1753—TELECOMMUNICATIONS SYSTEM CONSTRUCTION POLICIES AND PROCEDURES

1. The authority citation for part 1753 is revised to read as follows:

Authority: 7 U.S.C. 901 *et seq.*, 1921 *et seq.*

2. In § 1753.2, add one definition in alphabetical order to read as follows:

§ 1753.2 Definitions.

* * * * *

STMP (State Telecommunications Modernization Plan). A plan, which has been approved by REA, for improving the public switched network of a state. The STMP must conform to the provisions of this subpart and applies to all telecommunications providers in the state.

* * * * *

3. In § 1753.3, paragraph (a) introductory text is revised, and paragraph (a)(4) is added, to read as follows:

§ 1753.3 Preconstruction review.

(a) Prior REA approval must be obtained for any construction that does not conform to REA standards and specifications or the approved LD, such as construction of extensions to serve subscribers in areas not included in the LD (See 7 CFR part 1737). For loans approved after REA approval of the STMP in the borrower's state, the proposed construction must conform to the STMP, as required by 7 CFR part 1751, subpart B. To obtain approval, the borrower shall submit a written proposal containing:

* * * * *

(4) If applicable, a brief analysis from the borrower demonstrating that the proposed changes conform to the STMP.

* * * * *

4. In § 1753.15, paragraphs (b)(3), (b)(4), (b)(5), (b)(6), (b)(7), (b)(8), (b)(9), (b)(10), and (b)(13) are removed, and paragraphs (b)(11) and (b)(12) are redesignated as paragraphs (b)(3) and (b)(4), respectively, and revised to read as follows:

§ 1753.15 General.

* * * * *

(b) * * *

(3) *Postloan engineering services*—The design, procurement, and inspection of construction to accomplish the objectives of a loan as stated in a LD approved by REA.

(4) *Preloan engineering services*—The planning and design work performed in preparing a LD. This consists of helping the borrower determine the objectives for a loan, including consideration of REA's requirements relating to the STMP, selecting the most effective and efficient methods of meeting loan objectives, and preparing the LD which describes the objectives and presents the method selected to meet them.

* * * * *

5. In § 1753.66, paragraph (d) is revised to read as follows:

§ 1753.66 General.

* * * * *

(d) Borrowers must obtain REA review and approval of the LD for their telephone systems. Applications of special equipment not included in an approved LD must conform to the STMP as required by 7 CFR part 1751, subpart B, and must be submitted to REA for review and approval.

* * * * *

Dated: November 30, 1993.

Bob J. Nash,

Under Secretary, Small Community and Rural Development.

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Rural Electrification Administration

7 CFR Parts 1710 and 1714

Pre-loan Policies and Procedures for Electric Loans

AGENCY: Rural Electrification Administration, USDA.

ACTION: Interim final rule.

SUMMARY: The Rural Electrification Administration (REA) hereby amends its pre- and post-loan regulations for electric loans to incorporate changes to electric loan policies required by the Rural Electrification Loan Restructuring Act of 1993 (RELRA). RELRA, signed by President Clinton on November 1, 1993, established a deadline of 45 days after its enactment for the issuance of this interim final rule. At the same time, REA is amending pre-loan regulations to reflect a few technical changes such as updating references to line numbers on REA forms. Rules to implement other provisions of RELRA are being promulgated separately.

DATES: This rule is effective December 20, 1993.

Written comments must be received by REA or carry a postmark or equivalent by March 21, 1994.

ADDRESSES: Written comments should be addressed to Sue Arnold, Program Support Staff, U.S. Department of Agriculture, Rural Electrification Administration, room 2230–S, 14th Street and Independence Avenue, SW., Washington, DC 20250–1500. REA requires a signed original and three copies of all comments (7 CFR 1700.30(e)). Comments will be available for public inspection during regular business hours (7 CFR 1.27(b)).

FOR FURTHER INFORMATION CONTACT: Sue Arnold, Management Analyst, U.S. Department of Agriculture, Rural Electrification Administration, room 2230–s, 14th Street & Independence Avenue SW., Washington, DC 20250–1500. Telephone: 202–720–0736. FAX: 202–720–4120.

SUPPLEMENTARY INFORMATION: This regulatory action is issued in conformance with Executive Order 12866, Regulatory Planning and Review. The Administrator of REA has determined that the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) does not apply to this rule. The Administrator of REA has determined that this rule will not significantly affect the quality of the human environment as defined by the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*). Therefore, this action does not require an environmental impact statement or assessment. This rule is excluded from the scope of Executive Order 12372, Intergovernmental Consultation, which may require consultation with State and local officials. A Notice of Final Rule titled Department Programs and Activities Excluded from Executive Order 12372 (50 FR 47034) exempts REA electric loans and loan guarantees from coverage under this Order. This rule has been reviewed under Executive Order 12778, Civil Justice Reform. This rule: (1) Will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule; (2) Will not have any retroactive effect; and (3) Will not require administrative proceedings before any parties may file suit challenging the provisions of this rule.

The program described by this rule is listed in the Catalog of Federal Domestic Assistance Programs under number 10.850 Rural Electrification Loans and Loan Guarantees. This catalog is available on a subscription basis from the Superintendent of Documents, the United States Government Printing Office, Washington, DC 20402–9325.

Information Collection and Recordkeeping Requirements

The existing recordkeeping and reporting burdens contained in this rule were approved by the Office of Management and Budget (OMB) pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*), under control numbers 0572–0017, 0572–0032, and 0572–0103.

Send questions or comments regarding these burdens or any other aspect of these collections of information, including suggestions for reducing the burden, to the Office of Information and Regulatory Affairs, Office of Management and Budget, room 3201, NEOB, Washington, DC 20503. Attention: Desk Officer for USDA.

Background

The Rural Electrification Loan Restructuring Act of 1993, Public Law 103–129, (RELRA), signed into law by President Clinton on November 1, 1993, amends the Rural Electrification Act of 1936, 7 U.S.C. 901 *et seq.* (RE Act). The amendments mandate a restructuring of the electric loan programs of REA. Loan purposes, the definition of "rural area", applicable interest rates, loan terms and conditions, and REA oversight of borrowers are among the areas affected by RELRA. Furthermore, RELRA established a deadline of 45 days after its enactment for the issuance of this interim final rule. The amendments to 7 CFR parts 1710 and 1714, published today partially implement this restructuring. Other rules implementing other provisions of RELRA regarding loans for demand side management, energy conservation programs, on and off grid renewable energy systems, and REA oversight of borrowers pursuant to section 306E of the RE Act, are being promulgated separately.

Rural Area

RELRA revises the definition of "rural area" to include any area not included within the boundaries of any urban area, as defined by the Bureau of the Census. The Bureau of the Census issues lists of urban areas for each decennial census. Consistent with longstanding REA policy, for purposes of the "rural area" definition, the character of an area is determined as of the time the initial loan for the system is made. In contrast to previous policy, RELRA allows REA to make loans and loan guarantees to improve service to systems in rural areas that were not initially financed by REA.

Municipal Rate Loans

Previously the standard interest rate on insured electric loans was 5 percent, with a rate as low as 2 percent in cases where the Administrator of REA determined that the borrower was experiencing extreme financial hardship or could not provide adequate service to its consumers without creating substantial rate disparity.

Insured electric loans made pursuant to RELRA, in contrast, may be either municipal rate loans or hardship rate loans. The interest rate on municipal rate loans is based on the current market yield of outstanding municipal obligations with remaining periods to maturity similar to the term selected by the borrower, but not greater than the rate applicable to Water and Waste Loans made by Farmers Home Administration (FmHA) under the Consolidated Farm and Rural Development Act, 7 U.S.C. 1927(a)(3)(A). FmHA regulations implementing this rate are published at 7 CFR 1942.17 (f)(1) and (f)(4).

RELRA further establishes an interest rate cap of 7 percent on municipal rate loans if the borrower meets certain tests in terms of consumer density, rate disparity, and average per capita or median household income of the service territory. Since these tests are specifically based on the economic conditions of retail consumers, only loans to borrowers primarily engaged in providing retail electric service are eligible for the 7 percent cap.

The regulation issued today establishes, in part 1714, REA's methodology for computing the municipal interest rate. Consistent with present FmHA policy, the REA rates are computed quarterly, based on the indexes published in The Bond Buyer for the four weeks prior to the first Friday of the last month prior to the beginning of the quarter. Information about the The Bond Buyer is available by writing Bond Buyer, One State Street Plaza, New York, NY 10004–1549, or by calling 1–800–982–0633.

The interest rate for terms of 20 years or longer is based on the "11-Bond GO Index", which is an index of Aa rated general obligation bonds maturing in 20 years. REA will base the rate for terms of less than 20 years on the table of "Municipal Market Data—General Obligation Yields" for Aa rated bonds for a term similar to the term selected by the borrower for the REA loan.

For convenience and compatibility with similar debt instruments, REA will follow FmHA's policy of rounding all interest rates to the nearest eighth of a percent. For example, for the quarter beginning July 1, 1993, FmHA averaged the rates in The Bond Buyer Index for May 13 (5.59 percent), May 20 (5.68 percent), May 27 (5.63 percent), and June 3 (5.58 percent). This averages to 5.62 percent. FmHA rounded the rate to 5.625, which is equal to 5⅝ percent.

REA will publish the interest rates quarterly in the **Federal Register**. The information is also available from REA headquarters staff.

The new law continues the longstanding REA policy of requiring most borrowers to obtain up to 30 percent of their loan funds from a supplemental source without an REA guarantee.

Hardship Rate Loans

RELRA provides for 5 percent hardship rate loans for borrowers: (1) Whose residential revenue exceeds 15 cents per kWh, or (2) Who meet certain tests with respect to rate disparity and either average per capita or median household income of residential consumers. The rate disparity test for hardship loans is more stringent than the test for the 7 percent interest rate cap.

Hardship rate loans may also be made to borrowers who, in the judgement of the Administrator have experienced a severe hardship. In determining whether the borrower has experienced a severe hardship. The Administrator shall consider, among other matters, whether factors beyond the control or substantial influence of the borrower have had severe adverse effect on the borrower's ability to provide service consistent with the purposes of the RE Act, and which prudent management could not reasonably anticipate and either prevent or insure against. Among such factors are system damage due to unusual weather or other natural disasters or Acts of God, loss of substantial loads, extreme rate disparity compared to a contiguous utility, and other factors that cause severe financial hardship. The Administrator will also consider whether a hardship rate loan will provide significant relief to the borrower in dealing with severe hardship.

Consistent with longstanding policy for hardship loans, RELRA prohibits REA from requiring a concurrent supplemental loan in connection with a loan at the 5 percent hardship rate. Pursuant to section 1714.110(d), a borrower who is eligible for a hardship rate loan may elect to take a municipal rate loan instead. Such borrowers will be required to obtain supplemental financing in connection with the municipal rate loan, unless, at the time of loan approval, no funds for hardship loans are available.

Determination of Eligibility for the Interest Rate Cap or the 5 Percent Hardship Interest Rate

Rate disparity test: The rate disparity test compares the borrower's average revenue per kWh to the average revenue per kWh in its state. To determine whether a borrower meets the tests for either the interest rate cap, or the 5 percent hardship interest rate, REA will compare the borrower's average total revenue per kWh and, in the case of the 5 percent hardship interest rate, residential revenue per kWh as reported on the Financial and Statistical Report (REA Form 7 or Form 12) with Statewide data published by the Energy Information Administration of the Department of Energy (DOE). These data include revenues from both seasonal and nonseasonal consumers. The test will be based on the most recent calendar year for which full year DOE data are available at the time of loan approval and the same year for borrower data.

Consumer income test: The consumer income test compares the average per capita income and median household income of the consumers served by the borrower with statistics for the state. The borrower meets the test if either the average per capita income or the median household income of its consumers is less than the state figure. A borrower wishing to qualify under one of these tests will be required to submit to REA, as part of its loan application, information about the location of its consumers. Using the most recently published decennial census data on income from the Bureau of the Census, REA will compare, on a weighted average basis, average per capita income and median household income of the territory served by the borrower with State figures. The analysis will, at the borrower's option, be based on the number of consumers and households in each county served by the borrower, or on the number of consumers and households in each census tract served.

A borrower which believes that the demographic or economic conditions of its community have changed substantially so that the decennial census data no longer represents a valid comparison with its state figures may provide REA with more current data from a reliable source such as a State agency. Data from private organizations like commercial polling companies will not be acceptable.

Interest Rate Term

Under previous policy, REA insured loans were made for a term, up to 35 years, not to exceed the useful life of the facilities financed. A single interest rate, usually 5 percent, applied to the entire loan. Under RELRA, as set forth in part 1714, for a municipal rate loan, the borrower may select an interest rate term than will end no later than the final maturity date of the loan. A single interest rate will be in effect for the term. At the end of the term, the borrower may either pay off the outstanding balance at face value or roll over the balance by electing a new term.

Consistent with the principles of OMB Circular A–129, Policies for Federal Credit Programs and Non-Tax Receivables, published January 22, 1993, at 58 FR 5765, the borrower may select an initial term and all rollover terms for each advance of funds. The date of the advance establishes the first day of the initial term for the advance, and the applicable interest rate until rollover maturity is the rate in effect on that date for the term elected by the borrower. This policy closely matches the date for determination of the interest rate to the date the funds are available to the borrower.

To provide borrowers with financial flexibility, while minimizing transaction costs to both borrowers and the government, the rule provides for up to 6 advances per loan. REA insured loans are made for a 2-year construction financing period, and the government's obligation to advance loan funds to the borrower may terminate after 4 years pursuant to 7 CFR 1785 subpart A. A study of 253 notes advanced over the past 3 years shows that for about 89 percent of these notes the borrower received all available loan funds in 6 or fewer advances. REA believes that 6 advances should be sufficient to meet the borrower's financing needs.

For example, a loan for facilities with an expected life of 35 years has a maximum final maturity of 35 years. If the borrower selects an initial interest rate term of 20 years for the first advance, the rate applicable to a 20-year term, as described above, will be applicable during these 20 years. At the end of 20 years, the borrower may elect a rollover term at the then current interest rate. Different terms may be selected for other advances.

Prepayment Option (Call Provision)

RELRA, in contrast to longstanding REA policy, restricts the borrower's ability to prepay REA loans at face value. Provisions in 7 CFR part 1786 that allow prepayment of REA loans at a discount under certain circumstances, are not affected by RELRA. In addition, on September 16, 1993, at 58 FR 48465, REA published a proposed rule, 7 CFR part 1786 subpart F, implementing Public Law 102–428 to allow any electric borrower, to prepay its REA loans at a discount, with severe restrictions on the borrower's eligibility for future REA loans. RELRA does not affect this proposed rule.

However, REA loans made after November 1, 1993, may be prepaid in part or in full at face value at a time other than a rollover maturity date only if the borrower elects, at the time of loan approval, to include a prepayment provision in the loan documents. Such a provision would increase any interest rate applicable to any advance on the loan by one-eighth of a percentage point (0.125 percent), subject, for qualified borrowers, to the 7 percent cap. RELRA permits the borrower to elect this option at the time the loan is made.

Amendments Not Related to RELRA

In addition to the amendments mandated by the law, REA is amending parts 1710 and 1714 to reflect technical changes to REA procedures since January 9, 1992, when part 1710 was originally published. These changes either were offered for public comment, or are not substantive, with no period for public comment required.

One such amendment deletes references in Section 1710.1, General statement, to REA bulletins that have already been rescinded pursuant to REA regulations. References to the following rescinded REA bulletins are removed from part 1710.

Bulletin 20–2, Electric Loan Policies and Application Procedures;

Bulletin 20–6, Loans for Generation and Transmission;

Bulletin 20–14, Supplemental Financing for Loans Considered Under Section 4 of the Rural Electrification Act;

Bulletin 112–3, Area Coverage Service; and

Bulletin 145–1, Development, Approval, and Use of Irrigation Studies

An additional amendment unrelated to RELRA, revises definitions of various financial ratios in section 1710.2 Definitions and rules of construction, to reflect the line numbers on the revised Financial and Statistical Reports, REA Forms 7 and 12. The definitions themselves are not changed, only reference to line numbers. As stated in § 1710.3, references to forms and line number will apply to corresponding information in future versions of the forms. The line numbers cited in the rule are revised simply for the convenience of the public. The revisions to these forms were mailed to borrowers with the forms for their 1992 annual reports.

Finally, the Alternate Loan Application Procedures for Distribution Borrowers in 7 CFR part 1714 subpart D have been effectively superseded by the loan application requirements in part 1710. Subpart D of part 1714, issued in 1988, was intended to simplify the loan application procedure for distribution borrowers who met certain financial, operational, and managerial tests. However, the requirements of 7 CFR part 1710 subpart D, issued in 1992, effectively removed this option. Some of the loan application requirements in part 1710 reflect the need to protect loan security and determine loan feasibility pursuant to § 1710.112. Others, such as the debarment and suspension requirements of § 1719.123 and the lobbying certification required by § 1710.125, are needed to meet the requirements of other Federal agencies. Part 1710 was published as a proposed rule on February 27, 1991, at 56 FR 42460 Comments from the public on this proposed rule, including the loan application requirements, were considered in the final rule published January 9, 1992, at 57 FR 1044. The rule issued today, therefore, removes subpart D of part 1714.

Other Amendments

Finally, on August 20, 1993, at 58 FR 44288, REA published a proposed rule amendment to part 1710 to clarify the requirements for long-range financial forecasts of electric borrowers. This proposed rule is not affected by RELRA or the regulation published today.

List of Subjects

7 CFR Part 1710

Electric power, Electric utilities, Loan programs—energy, Rural areas.

7 CFR Part 1714

Electric power, Loan programs—energy, Rural areas.

For the reasons set out in the preamble, REA amends chapter XVII, title 7 of the Code of Federal Regulations as follows:

PART 1710—GENERAL AND PRE-LOAN POLICIES AND PROCEDURES COMMON TO INSURED AND GUARANTEED ELECTRIC LOANS

1. The authority citation for part 1710 continues to read as follows:

Authority: 7 U.S.C. 901–950(b); Public Law 99–591; Delegation of Authority by the Secretary of Agriculture, 7 CFR 2.23; Delegation of Authority by the Under Secretary for Small Community and Rural Development, 7 CFR 2.72.

2. Section 1710.1 is amended by revising paragraphs (b)(1), (b)(2), and (c) to read as follows:

§ 1710.1 General statement.

* * * * *

(b) * * *

(1) For guaranteed loans in 7 CFR part 1712 and REA Bulletins 20–22, 60–10, 86–3, 105–5, and 111–3, or the successors to these bulletins; and

(2) For insured loans in 7 CFR part 1714 and in REA Bulletins 60–10, 86–3, 105–5, and 111–3, or the successors to these bulletins.

(c) This part supersedes those portions of the following REA Bulletins and supplements that are in conflict.

20–5 Extensions of Payments of Principal and Interest
20–20 Deferment of Principal Repayments for Investment in Supplemental Lending Institutions
20–22 Guarantee of Loans for Bulk Power Supply Facilities
20–23 Section 12 Extensions for Energy Resources Conservation Loans
60–10 Construction Work Plans, Electric Distribution Systems
86–3 Headquarters Facilities for Electric Borrowers
105–5 Financial Forecast-Electric Distribution Systems
111–3 Power Supply Surveys
120–1 Development, Approval, and Use of Power Requirements Studies

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3. Section 1710.2 is amended by revising the definitions of "DSC", "Equity", "RE Act beneficiary", "Rural area", and "Total assets", and adding new definitions in alphabetical order to read as follows:

§ 1710.2 Definitions and rules of construction.

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Call provision has the same meaning as "prepayment option".

* * * * *

Consumer means a retail customer of electricity, as reported on REA Form 7, Part R, Lines 1–7.

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DSC means Debt Service Coverage calculated as:

$$DSC = \frac{A+B+C}{D}$$

Where:

A=Depreciation and Amortization Expense, which equals Part A, Line 12 of REA Form 7 (distribution borrowers) or Section A, Line 20 of REA Form 12a (power supply borrowers);

B=Interest on Long-term Debt, which equals Part A, Line 15 of REA Form 7 or Section A Line 22 of REA Form 12a except that Interest on Long-term debt shall be increased by ⅓ of the amount, if any, by which the rentals of Restricted Property (Part M, Line 3 of REA Form 7 or Section K, Line 4 or REA Form 12h) exceeds 2 percent of Total Margins and Equities (Part C, Line 32 of REA Form 7 or Section B, Line 33 of REA Form 12a;

C=Patronage Capital or Margins, which equals Part A, Line 27 of REA Form 7 or Section A, Line 34 or REA Form 12a; and

D=Debt Service Billed (REA + other) which equals all interest and principal billed during the calendar year plus ⅓ of the amount, if any, by which the rentals of Restricted Property (Part M, Line 3 of REA Form 7 or Section K, Line 4 of REA Form 12h) exceeds 2 percent of Total Margins and Equities (Part C, Line 33 of REA Form 7 or Section B, Line 34 of REA Form 12A).

Equity means total margins and equities, which equals Part C, Line 33 of REA Form 7 (distribution borrowers) or Section B, Line 34 of REA Form 12a (power supply borrowers).

Final maturity means the final date on which all outstanding principal and accrued interest on an electric loan is due and payable.

Five percent hardship rate means an interest rate of 5 percent applicable to a hardship rate loan.

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Hardship rate loan means a loan made at the 5 percent hardship rate pursuant to 7 CFR 1714.8.

* * * * *

Interest rate cap means a maximum interest rate of 7 percent applicable to certain municipal rate loans as set forth in § 1710.7.

Interest rate term means a period of time selected by the borrower for the purpose of determining the interest rate on an advance of funds. See 7 CFR 1714.6.

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Municipal rate loan means a loan made at a municipal interest rate pursuant to 7 CFR 1714.5.

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Prepayment option means a provision included in the loan documents to allow the borrower to prepay all or a portion of an advance on a municipal rate loan on a date other than a rollover maturity date. See 7 CFR 1714.9.

* * * * *

RE Act beneficiary means a person, business, or other entity that is located in a rural area.

* * * * *

Rollover maturity date means the last day of an interest rate term.

Rural area means any area of the United States, its territories and insular possessions (including any area within the Federated States of Micronesia, the Marshall Islands, and the Republic of Palau) not included within the boundaries of any urban area, as defined by the Bureau of the Census. For purposes of the "rural area" definition, the character of an area is determined at the time of the initial loan to furnish or improve service in the area.

(i) For initial REA loans made prior to November 1, 1993, the RE Act defined "rural area" to mean any area of the United States not included within the boundaries of any city, village, or borough having a population exceeding 1500. An area determined to be a "rural area" for the purposes of an initial loan made prior to November 1, 1993, shall continue to be considered a "rural area."

(ii) For initial REA loans made on or after November 1, 1993, this definition shall apply. In determining the character of the area, REA will rely on the Bureau of the Census designation.

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Total Assets means Part C, Line 26 of REA Form 7 (distribution borrowers) or Section B, Line 27 of REA Form 12a (power supply borrowers).

* * * * *

Urban area is defined by the Bureau of the Census as an area comprising all territory, population, and housing units in urbanized areas and in places of 2500 or more persons outside urbanized areas. More specifically, "urban" consists of territory, persons, and housing units in:

(i) Places of 2500 or more persons incorporated as cities, villages, boroughs (except in Alaska and New York), and towns (except in the six New England States, New York, and Wisconsin), but excluding the rural portions of "extended cities."

(ii) Census designated places of 2500 or more persons.

(iii) Other territory, incorporated or unincorporated, included in urbanized areas.

Urbanized area means an urbanized area as defined by the Bureau of the Census in notices published periodically in the **Federal Register**. Generally an urbanized area is characterized as an area that comprises a place and the adjacent densely settled territory that together have a minimum population of 50,000 people.

* * * * *

4. Section 1710.3 is revised to read as follows

§ 1710.3 Form revisions.

References in this part to REA forms or line numbers in REA forms are based on REA Form 7 and Form 12 dated December 1992, unless otherwise indicated. These references will apply to corresponding information in future versions of the forms.

5. Section 1710.6 is amended by revising paragraph (a) introductory text and paragraph (b) to read as follows:

§ 1710.6 Applicability of certain provisions to completed loan applications.

(a) Certain new or revised policies and requirements set forth in this part, which are listed in this paragraph, shall not apply to a pending loan application that has been determined by REA to be complete as of January 9, 1992, the date of publication of such policies and requirements in the **Federal Register**. This exception does not apply to loan applications received after said date, nor to incomplete applications pending as of said date. This exception applies only to the following provisions:

* * * * *

(b) Certain provisions of this part apply only to loans made on or after February 10, 1992. These provisions are identified in the individual sections of this part.

6. Section 1710.50 is revised to read as follows:

§ 1710.50 Insured loans.

REA makes insured loans under section 305 of the RE Act.

(a) *Municipal rate loans.* The standard interest rate on an insured loan made on or after November 1, 1993, is the municipal rate, which is the rate determined by the Administrator to be equal to the current market yield on outstanding municipal obligations with remaining periods to maturity, up to 35 years, similar to the interest rate term selected by the borrower. In certain cases, an interest rate cap of 7 percent may apply. The interest rate term and rollover maturity date for a municipal rate loan will be determined pursuant to 7 CFR part 1714, and the borrower may elect to include in the loan documents a prepayment option (call provision).

(b) *Hardship rate loans.* REA makes hardship rate loans at the 5 percent hardship rate to qualified borrowers meeting the criteria set forth in 7 CFR 1714.8

7. Section 1710.51 is revised to read as follows:

§ 1710.51 Loan guarantees.

REA provides financing through 100 percent loan guarantees made under sections 306 and 306A of the RE Act. REA also provides 90 percent loan guarantees under section 311 of the RE Act to enable borrowers to secure financing from certain private lenders. The loan guarantees are made for a term of up to 35 years, and the interest rate is established at a rate agreed to by the borrower and the lender, with REA concurrence. The guarantee applies to the repayment of both principal and interest.

8. Section 1710.100 is revised to read as follows:

§ 1710.100 General.

REA makes loans and loan guarantees to finance the construction of electric distribution, transmission and generation facilities, including system improvements and replacements required to furnish and improve electric service in rural areas, and for demand side management, energy conservation programs, and on grid and off grid renewable energy systems. In some circumstances, REA may finance selected operating expenses of its borrowers. Loans made or guaranteed by the Administrator of REA will be made in conformance with the Rural Electrification Act of 1936, as amended (7 U.S.C. 901 *et seq.*), and 7 CFR chapter XVII. REA provides certain technical assistance to borrowers when necessary to aid the development of rural electric service and to protect loan security.

9. Section 1710.101 is amended by redesignating paragraphs (c) and (d) as paragraphs (f) and (g), respectively, and revising them, and adding new paragraphs (c) through (e) to read as follows:

§ 1710.101 Types of eligible borrowers.

* * * * *

(c) For the purpose of determining eligibility of a distribution borrower not in default on the repayment of a loan made or guaranteed under the RE Act for a loan, loan guarantee, or lien accommodation, a default by a borrower from which a distribution borrower purchases wholesale power shall not:

(1) Be considered a default by the distribution borrower;

(2) Reduce the eligibility of the distribution borrower for assistance under the RE Act; or

(3) Be the cause, directly or indirectly, of imposing any requirement or restriction on the borrower as a condition of the assistance, except such requirements or restrictions as are necessary to implement a debt restructuring agreed on by the power supply borrower and REA.

(d) For the purpose of determining the eligibility of a distribution borrower, REA will consider whether the distribution borrower is current on its obligations to its wholesale power supplier under the REA wholesale power contract.

(e) Nothing in paragraph (c) of this section relieves any distribution borrower that is a member of a power supply borrower in default on its obligations to REA or operating under a debt restructuring agreement, of requirements set forth in REA regulations, including, without limitation, § 1710.112(b)(6), or of any terms and conditions that the Administrator may otherwise impose on any borrower as a condition of obtaining a loan or loan guarantee (including, in appropriate cases, member guarantees).

(f) Except as provided in paragraph (g) of this section, former borrowers that have paid off all outstanding loans may reapply for a loan to serve RE Act beneficiary loads accruing from the time the former borrower's complete loan application is received by REA. The determination of whether an area is rural will be based on the Census designation of the area at the time of the reapplication for a loan, if the area is not served by electric facilities financed by REA. If the area is served by electric facilities financed by REA, it will continue to be considered rural.

(g) Former borrowers that have prepaid all, or portions of outstanding insured and direct loans in accordance with REA regulations must comply with the provisions of 7 CFR part 1786 before being considered eligible to borrow additional funds from REA.

10. Section 1710.102 is amended by revising paragraphs (a) and (b), and by removing and reserving paragraph (d) to read as follows:

§ 1710.102 Borrower eligibility for different types of loans.

(a) *Insured loans under section 305.* Insured loans are normally reserved for the financing of distribution and subtransmission facilities of both distribution and power supply borrowers, including, under certain circumstances, the implementation of demand side management, energy conservation programs, and on grid and off grid renewable energy systems. In accordance with § 1710.110, the Administrator may require the borrower to obtain no more than 30 percent of the total debt financing required for a proposed project by means of a supplemental loan from another lender without an REA guarantee.

(b) *One hundred percent loan guarantees under section 306.* Both distribution and power supply borrowers are eligible for 100 percent loan guarantees under section 306 of the RE Act for any or all of the purposes set forth in § 1710.106, including, under certain circumstances, the implementation of demand side management, energy conservation programs, and on grid and off grid renewable energy systems. (See 7 CFR part 1712). These guarantees are normally used to finance bulk transmission and generation facilities, but they may also be used to finance distribution and subtransmission facilities. If a borrower applies for a section 306 loan guarantee to finance all or a portion of distribution and subtransmission facilities, such request will not affect the borrower's eligibility for an insured loan to finance any remaining portion of said facilities or for any future insured loan to finance other distribution or subtransmission facilities. A section 306 loan guarantee, however, may not be used to guarantee a supplemental loan required by § 1710.110.

* * * * *

(d) [Reserved]

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11. Section 1710.104 is amended by revising paragraph (a) and removing paragraph (c) to read as follows:

§ 1710.104 Service to Non-RE Act beneficiaries.

(a) To the greatest extent practical, loans are limited to providing and improving electric facilities to serve consumers that are RE Act beneficiaries. When it is determined by the Administrator to be necessary in order to furnish or improve electric service in rural areas, loans may, under certain circumstances, be made to finance electric facilities to serve consumers that are not RE Act beneficiaries.

* * * * *

12. Section 1710.105 is amended by revising paragraph (a) to read as follows:

§ 1710.105 State regulatory approvals.

(a) In States where a borrower is required to obtain approval of a project or its financing from a state regulatory authority, REA may require that such approvals be obtained, if feasible for the borrower to do so, before the following types of loans are approved by REA:

(1) Loans requiring an Environmental Impact Statement;

(2) Loans to finance generation and transmission facilities, when the loan request for such facilities is $25 million or more; and

(3) Loans for the purpose of assisting borrowers to implement demand side management and energy conservation programs and on and off grid renewable energy systems.

* * * * *

13. Section 1710.106 is amended by revising paragraphs (a) introductory text and (c), and by adding paragraph (a)(6) to read as follows:

§ 1710.106 Uses of loan funds.

(a) Funds from loans made or guaranteed by REA may be used to finance:

* * * * *

(6) Certain costs incurred in demand side management, energy conservation programs and on and off grid renewable energy systems.

* * * * *

(c) REA will not make loans to finance the following:

(1) Electric facilities, equipment, appliances, or wiring located inside the premises of the consumer, except qualifying items included in a loan for demand side management or energy resource conservation programs, or on or off grid renewable energy systems;

(2) Facilities to serve consumers who are not RE Act beneficiaries unless those facilities are necessary and incidental to providing or improving electric service in rural areas (See § 1710.104);

(3) Any facilities or other purposes that a state regulatory authority having jurisdiction will not approve for inclusion in the borrower's rate base, or will not otherwise allow rates sufficient to repay with interest the debt incurred for the facilities or other purposes; and

(4) Any facilities or other specific purposes that were included in a loan made or guaranteed by REA that the borrower has prepaid or that has been rescinded.

* * * * *

14. Section 1710.109 is amended by revising paragraph (c) to read as follows:

§ 1710.109 Reimbursement of general funds and interim financing.

* * * * *

(c) The period immediately preceding the current loan period for which reimbursement and replacement of interim financing is authorized under paragraph (b) of this section is as follows:

(1) The number of months agreed to by REA and the borrower for complete loan applications received by REA before February 10, 1992;

(2) 36 months for complete loan applications received from February 10, 1992 through February 10, 1993; or

(3) 24 months for complete loan applications received after February 10, 1993.

* * * * *

15. Section 1710.110 is amended by revising paragraphs (a) and (b) and the heading of paragraph (c), and by adding a new paragraph (d) to read as follows:

§ 1710.110 Supplemental financing.

(a) Except in the case of financial hardship as determined by the Administrator, applicants for a municipal rate loan will be required to obtain a portion of their loan funds from a supplemental source without an REA guarantee, in the amounts set forth in paragraph (c) of this section. REA will normally grant a lien accommodation to the supplemental lender. REA does not require supplemental financing in conjunction with an REA guaranteed loan. However, if a borrower elects to obtain supplemental financing in conjunction with a guaranteed loan, the granting of REA's loan guarantee may be conditioned on the borrower's obtaining supplemental financing.

(b) The terms and conditions of supplemental financing and any security offered to the supplemental lender are subject to REA approval. Generally, supplemental loans must have the same final maturity and be amortized in the same manner as REA loans made concurrently. Borrowers may elect to repay the loans either in substantially equal periodic installments covering interest and principal, or in periodic installments that include interest and level amortization of principal.

(c) Supplemental financing required for municipal rate loans. * * *

* * * * *

(d) Supplemental financing will not be required in connection with hardship rate loans. Borrowers that qualify for hardship rate loans but elect to take municipal rate loans instead, will be required to obtain supplemental financing pursuant to this section, unless at the time of loan approval, there are no funds remaining available for hardship loans, in which case supplemental financing will not be required.

16. Section 1710.115 is revised to read as follows:

§ 1710.115 Final maturity.

(a) REA is authorized to make loans and loan guarantees with a final maturity of up to 35 years. The borrower may elect a repayment period for a loan not longer than the expected useful life of the facilities, not to exceed 35 years. Most of the electric facilities financed by REA have a long useful life, often approximating 35 years. Some facilities, such as load management equipment and Supervisory Control and Data Acquisition equipment, have a much shorter useful life due, in part, to obsolescence. Operating loans to finance working capital required for the initial operation of a new system are a separate class of loans and usually have a final maturity of less than 10 years.

(b) Loans made or guaranteed by REA for facilities owned by the borrower generally must be repaid with interest within a period, up to 35 years, that approximates the expected useful life of the facilities financed. The expected useful life shall be based on the weighted average of the depreciation rates that the borrower proposes for the facilities financed by the loan, provided that these rates are deemed appropriate by REA. In states where the borrower must obtain state regulatory authority approval of depreciation rates for rate making purposes, the depreciation rates used for the purposes of this paragraph shall be the rates currently approved by the state authority or rates for which the borrower plans to seek state authority approval, provided that these rates are deemed appropriate by REA. In other states, if the rates proposed by the borrower are not deemed appropriate by REA, REA will base expected useful life on the depreciation rates listed in Bulletin 183–1, or its successor, revising such rates as necessary to reflect current industry practice. Final maturities for loans for the implementation of programs for demand side management and energy resource conservation and on and off grid renewable energy sources not owned by the borrower will be determined by REA.

(c) [Reserved]

(d) The Administrator may approve a repayment period longer than the expected useful life of the facilities financed, up to 35 years, if a longer final maturity is required to ensure repayment of the loan and loan security is adequate.

(e) The final maturity of a loan established pursuant to the provisions of this section shall not be extended as a result of extending loan payments under section 12(a) of the RE Act.

17. Part 1714 is revised to read as follows:

PART 1714—PRE-LOAN POLICIES AND PROCEDURES FOR INSURED ELECTRIC LOANS

Subpart A—General

Sec.
1714.1 [Reserved]
1714.2 Definitions.
1714.3 Applicability of provisions.
1714.4 Interest rates.
1714.5 Determination of interest rates on municipal rate loans.
1714.6 Interest rate term.
1714.7 Interest rate cap.
1714.8 Hardship rate loans.
1714.9 Prepayment of insured loans.
1714.10–1714.49 [Reserved]

Authority: 7 U.S.C. 901–950(b); Pub. L. 99–591, 100 Stat. 3341; Delegation of Authority by the Secretary of Agriculture, 7 CFR 2.23; Delegation of Authority by the Under Secretary for Small Community and Rural Development, 7 CFR 2.72.

Subpart A—General

§ 1714.1 [Reserved]

§ 1714.2 Definitions.

The definitions set forth in 7 CFR 1710.2 are applicable to this part, unless otherwise stated. References to specific REA forms and other REA documents, and to specific sections of such forms and documents, shall include the corresponding forms, documents, sections and lines in any subsequent revisions of these forms and documents.

§ 1714.3 Applicability of provisions.

(a) *Insured electric loans approved on or after November 1, 1993.* On November 1, 1993, the Rural Electrification Loan Restructuring Act, Pub. L. 103–129, 107 Stat. 1356, (RELRA) amended the Rural Electrification Act of 1936, 7 U.S.C. 901 *et seq.*, (RE Act) to establish a new interest rate structure for insured electric loans. Insured electric loans approved on or after this date, are either municipal rate loans or hardship rate loans. Borrowers meeting the criteria set forth in § 1714.8 are eligible for 5 percent hardship rate loans. The interest rate on loans to other borrowers is the municipal interest rate, and borrowers meeting the criteria set forth in § 1714.7 are eligible for the interest rate cap on their municipal rate loans. Interest rates for the initial interest rate term and rollover terms (§ 1714.6) will be determined pursuant to § 1714.4. Provisions for prepayment are set forth in § 1714.9. The provisions of this subpart apply to loans approved on or after November 1, 1993, unless otherwise stated.

(b) *Insured electric loans approved prior to November 1, 1993.* These loans have a single interest rate applicable to the entire loan. The rate is generally 5 percent, but, in some cases, may be as low as 2 percent. These loans have a single interest rate term and may be prepaid at face value at any time. Provisions for discounted prepayment of these loans are set forth in 7 CFR part 1786.

§ 1714.4 Interest rates.

(a) *Municipal rate loans.* Each advance of funds on a municipal rate loan shall bear interest at a single rate for each interest rate term. All interest rates applicable to municipal rate loans will be increased by one eighth of one percent (0.125 percent), if the borrower elects to include in the loan agreement a prepayment option (call provision), allowing the borrower to prepay all or a portion of an advance on a date other than a rollover maturity date. However, no interest rate for any advances of a loan to a borrower who qualifies for the interest rate cap may exceed 7 percent.

(b) *Hardship rate loans.* All advances of funds on hardship rate loans shall bear interest at a rate of 5 percent.

(c) *Application procedure.* The borrower's board resolution submitted with the loan application must indicate whether the application is for a municipal rate loan, with or without the interest rate cap, or a hardship rate loan. If the application is for a municipal rate loan, the board resolution must also indicate whether the borrower intends to elect the prepayment option.

§ 1714.5 Determination of interest rates on municipal rate loans.

(a) REA will publish a schedule of interest rates for municipal rate loans in the **Federal Register** at the beginning of each calendar quarter. The schedule will show the year of maturity and the applicable interest rates in effect for all funds advanced on municipal rate loans during the calendar quarter and all interest rate terms beginning in the quarter. All interest rates will be adjusted to the nearest one eighth of one percent (0.125 percent).

(b) The rate for interest rate terms of 20 years or longer will be the average of the 20 year rates published in the Bond Buyer in the 4 weeks specified in paragraph (d) of this section for the "11-Bond GO Index" of Aa rated general obligation municipal bonds, or the successor to this index.

(c) The rate for terms of less than 20 years will be the average of the rates published in the Bond Buyer in the 4 weeks specified in paragraph (d) of this section in the table of "Municipal Market Data—General Obligation Yields" for Aa rated bonds, or the successor to this table, for obligations maturing in the same year as the interest rate term selected by the borrower.

(d) The interest rates on municipal rate loans shall not exceed the interest rate determined under section 307(a)(3)(A) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1927(a)(3)(A)) for Water and Waste Disposal loans. The method used to determine this rate is set forth in the regulations of the Farmers Home Administration (FmHA) at 7 CFR 1942.17(f) (1) and (4). Pursuant to the FmHA rule, the interest rates are set using as guidance the average of the Bond Buyer Index for the four weeks prior to the first Friday of the last month before the beginning of the quarter. Information about the Bond Buyer is available by writing Bond Buyer, One State Street Plaza, New York, NY 10004–1549, or by calling 1–800–982–0633.

§ 1714.6 Interest rate term.

(a) *Municipal rate loans.* Selection of interest rate terms shall be made by the borrower for each advance of funds. The minimum interest rate term shall be one year. REA will send the borrower written confirmation of each rollover maturity date and the applicable interest rate.

(1) The initial interest rate term will begin on the date of the advance. All rollover interest rate terms will begin on the first day of a month, and except for the last interest rate term to final maturity, shall end on the last day of a month. All terms except for the initial interest rate term on an advance, and the last term to final maturity shall be in yearly increments.

(2) No more than 6 advances of funds may be made to the borrower on any municipal rate loan.

(3) For the initial interest rate term of an advance, a letter from an authorized official of the borrower indicating the selection of the term shall accompany the request for the advance.

(4) At the end of any interest rate term, the borrower shall pay all accrued interest and principal balance then due, and either prepay the remaining principal of the advance at face value, or roll over the remaining principal for a new term, provided that no interest

rate term may end later than the date of the final maturity.

(i) If the borrower elects to prepay all or part of the remaining principal of the advance at face value, it must notify the Director of the appropriate Regional Division or the Power Supply Division in writing not later than 20 days before the rollover maturity date.

(ii) If the borrower wishes to elect a new interest rate term that is different from the term previously selected, it must notify REA in writing of the new term not later than 20 days before the end of the current term. The election of the new term shall be addressed to the Director, Financial Operations Division, Rural Electrification Administration, Washington, DC 20250–1500.

(iii) If the borrower fails to notify REA within the timeframes set out in this paragraph of its intention to prepay or elect a different interest rate term, REA will automatically roll over the remaining principal for the shorter of, and at the interest rate applicable to:

(A) A period equal in length to the term that is expiring; or

(B) The remaining period to final maturity.

(b) *Hardship rate loans.* Loans made at the 5 percent hardship rate are made for a single term that cannot exceed the final maturity as set forth in 7 CFR 1710.115. The hardship interest rate applies to the entire amount of the loan.

§ 1714.7 Interest rate cap.

Except as provided in paragraph (c) of this section, the municipal interest rate may not exceed 7 percent on a loan advance to a borrower primarily engaged in providing retail electric service if the borrower meets, at the time of loan approval, either the consumer density test set forth in paragraph (a) of this section, or both the rate disparity test for the interest rate cap and the consumer income test set forth in paragraph (b) of this section.

(a) *Low consumer density test.* The borrower meets this test if the average number of consumers per mile of line of its total electric system, based on the most recent data available at the time of loan approval is less than 5.50.

(b) (1) *Rate disparity test for the interest rate cap.* The borrower meets this test if its average revenue per kWh sold is more than the average revenue per kWh sold by all electric utilities in the state in which the borrower provides service. To determine whether a borrower meets this test, REA will compare the borrower's average total revenue with statewide data in the table of Average Revenue per Kilowatthour for Electric Utilities by Sector, Census Division and State, in the Electric Power Annual issued by the Energy Information Administration of the Department of Energy (DOE), or the successor to this table. The test will be based on the most recent calendar year for which full year DOE data are available at the time of loan approval and borrower data for the same year.

(2) *Consumer income test.* The borrower meets this test if either the average per capita income of the residents receiving electric service from the borrower is less than the average per capita income of residents of the state in which the borrower provides service or the median household income of the households receiving electric service from the borrower is less than the median household income of the households in the state.

(i) To qualify under the consumer income test, the borrower must include in its loan application information about the location of its residential consumers. The borrower must provide to REA, based on the most recent data available at the time of loan application, either the number of consumers in each county it serves or the number of consumers in each census tract it serves. Using the most recently published decennial census data on income from the Bureau of the Census, REA will compare, on a weighted average basis, the average per capita and median household income of the counties or census tracts served by the borrower with state figures.

(ii) In cases where conditions have substantially changed so that the decennial census data no longer accurately describes the economic conditions of the borrower's consumers, the borrower may provide REA with more current income data from a reliable source such as a State agency. The Administrator has the sole discretion to determine whether such data submitted by the borrower is sufficient to determine whether the borrower qualifies under the consumer income test.

(3) *Borrowers serving 2 or more states.* If a borrower serves consumers in 2 or more states, the rate disparity test and the consumer income test will be determined on a weighted average based on the percentage of the borrower's total consumers that are served in each state.

(c) *High density test.* If the average number of consumers per mile of the borrower's total electric system exceeds 17, the interest rate cap will not apply to funds used for the purpose of furnishing or improving electric service to consumers located in an area that is an urban area at the time of loan approval, notwithstanding that the area must have been deemed a rural area for the purpose of qualifying for a loan under this part. (See the definition of "rural area" in 7 CFR 1710.2.) If the average number of consumers per mile of line of the borrower's total electric system exceeds 17, the borrower must include, as a note on REA Form 740c, Cost Estimates and Loan Budget for Electric Borrowers, submitted as part of the loan application for a loan subject to the interest rate cap, a breakdown of funds included in the proposed loan to furnish or improve service to consumers located in such urban areas. For such borrowers only funds for those facilities serving consumers located outside an urban area are eligible for the interest rate cap.

§ 1714.8 Hardship rate loans.

Except as provided in paragraph (d) of this section, the Administrator shall make an insured electric loan for eligible purposes at the 5 percent hardship rate to a borrower primarily engaged in providing retail electric service if the borrower meets, at the time of loan approval, both the rate disparity test for hardship and the consumer income test described in paragraph (a) of this section; or the extremely high rates test set forth in paragraph (b) of this section. A loan at the 5 percent hardship rate may also be made to any borrower pursuant to paragraph (c) of this section who, in the sole discretion of the Administrator, has experienced a severe hardship. The Administrator may not require a loan from a supplemental source in connection with a hardship rate loan.

(a) (1) *Rate disparity test for hardship.* The borrower meets this test if its average revenue per kWh sold is not less than 120 percent of the average revenue per kWh sold by all electric utilities in the state in which the borrower provides service, and its average residential revenue per kWh is not less than 120 percent of the average residential revenue per kWh sold by all electric utilities in the state in which the borrower provides service. To determine whether a borrower meets this test, REA will compare the borrower's average total revenue and average residential revenue with statewide data in the table of Average Revenue per Kilowatthour for Electric Utilities by Sector, Census Division and State, in the Electric Power Annual issued by the Energy Information Administration of the Department of Energy (DOE), or the successor to this table. The test will be based on the most recent calendar year for which full year DOE data are available at the time of loan approval and borrower data for the same year.

(2) *Consumer income test.* The borrower meets this test if either the average per capita income of the residents receiving electric service from the borrower is less than the average per capita income of the residents of the state in which the borrower provides service or the median household income of the residents receiving electric service from the borrower is less than the median household income of the households in the state. REA will determine whether the borrower qualifies under this test according to the procedure set forth in § 1714.7(b)(2).

(3) *Borrowers serving 2 or more states.* If a borrower serves consumers in 2 or more states, the rate disparity test and the consumer income tests will be determined on a weighted average based on the percentage of the borrower's total consumers that are served in each state.

(b) *Extremely high rates test.* Except as provided in this paragraph, the Administrator shall make an insured electric loan at the 5 percent hardship rate to any borrower whose residential revenue exceeds 15.0 cents per kWh sold. Residential revenue shall be calculated for the most recent full calendar year for which data are available and shall include sales to both seasonal and nonseasonal consumers. If, at the time of loan approval, the area to be served is an urbanized area (notwithstanding that the area must be deemed a rural area to qualify for a loan under this part (See the definition of "rural area" in 7 CFR 1710.2)), then the borrower must satisfy the provisions of paragraphs (a) and (d) of this section to qualify to the 5 percent hardship interest rate. If at the time of loan approval, such area is outside an urbanized area, the loan shall not be subject to the conditions and limitations set forth in paragraphs (a) and (d) of this section.

(c) *Administrator's discretion.* The Administrator may make a hardship rate loan if, in the sole discretion of the Administrator, the borrower has experienced a severe hardship. The Administrator shall consider, among other matters, whether factors beyond the control or substantial influence of the borrower have had severe adverse effect on the borrower's ability to provide service consistent with the purposes of the RE Act, and which prudent management could not reasonably anticipate and either prevent or insure against. Among the factors that may be considered are system damage due to unusual weather or other natural disasters or Acts of God, loss of substantial loads, extreme rate disparity compared to a contiguous utility, and other factors that cause severe financial hardship. The Administrator will also consider whether a hardship rate loan will provide significant relief to the borrower in dealing with the severe hardship.

(d) *High density test.* Except as provided in paragraph (b) of this section, if the average number of consumers per mile of the borrower's total electric system exceeds 17, the 5 percent hardship rate will not apply to funds used for the purpose of furnishing or improving electric service to consumers located in an area that is an urban area at the time of loan approval, notwithstanding that the area must have been deemed a rural area for the purpose of qualifying for a loan under this part. (See the definition of "rural area" in 7 CFR 1710.2.) If the average number of consumers per mile of line of the borrower's total electric system exceeds 17, the borrower must include, as a note on REA Form 740c, Cost Estimates and Loan Budget for Electric Borrowers, submitted as part of the loan application for a loan at the 5 percent hardship rate, a breakdown of funds included in the proposed loan to furnish or improve service to consumers located in urban areas. For such borrowers only funds for those facilities serving consumers located outside an urban area are eligible for the 5 percent hardship rate.

(Approved by the Office of Management and Budget under control number 0572–1013.)

§ 1714.9 Prepayment of insured loans.

This section sets out provisions for prepayment of insured electric loans at face value. Provisions for discounted prepayment of REA loans are set out in 7 CFR part 1786.

(a) *Municipal rate loans.* Loan documents for municipal rate loans shall provide for the following:

(1) *Prepayment on a rollover maturity date.* All, or a portion of, the outstanding balance on any advance from a municipal rate loan may be prepaid on any rollover maturity date pursuant to § 1714.6(a)(4).

(2) *Prepayment on a date other than a rollover maturity date.* A borrower may elect at the time of loan approval to include a prepayment option (call provision) that will allow the borrower to prepay all, or a portion of, the outstanding balance on any advance on a date other than a rollover maturity date. Interest rates on advances from loans with a prepayment provision will be increased as set forth in § 1714.4(a).

(b) *Hardship rate loans.* Loan documents for hardship loans shall provide that the loan may be prepaid at face value at any time without penalty.

§§ 1714.10–1714.49 [Reserved]

Dated: November 30, 1993.

Bob J. Nash,

Under Secretary, Small Community and Rural Development.

[FR Doc. 93–30923 Filed 12–16–93; 9:56 am]

BILLING CODE 3410–15–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 93–CE–43–AD; Amendment 39–8764; AD 93–24–15]

Airworthiness Directives: Cessna Aircraft Company 150, 172, and 180 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that applies to Cessna Aircraft Company (Cessna) 150, 172, and 180 series airplanes. This action requires replacing the existing rheostat with one of improved design that is current-limited and heat-protected. An incident of an in-flight cabin fire involving a Cessna Model 172 airplane prompted this AD. The fire was caused by a short in the electrical wiring controlled by the instrument panel light dimming rheostat. The actions specified by this AD are intended to prevent an in-flight fire caused by the condition described above.

DATES: Effective February 11, 1994.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of February 11, 1994.

ADDRESSES: Service information that applies to this AD may be obtained from the Cessna Aircraft Company, Customer Services, P.O. Box 1521, Wichita, Kansas 67201. This information may also be examined at the Federal Aviation Administration (FAA), Central Region, Office of the Assistant Chief Counsel, room 1558, 601 E. 12th Street, Kansas City, Missouri 64106; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. Jose Flores, Aerospace Engineer, Wichita Aircraft Certification Office, FAA, 1801 Airport Road, Mid-Continent Airport, Wichita, Kansas 67209; telephone (316) 946–4133; facsimile (316) 946–4407.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations to include an AD that would apply to certain Cessna 150, 172, and 180 series airplanes was published in the Federal Register on September 24, 1993 (58 FR 49943). The action proposed to require replacing the existing rheostat with one of improved design that is current-limited and heat-protected. The proposed action would be accomplished in accordance with Cessna Accomplishment Instructions SEB92–33R1, Revision 1, dated June 25, 1993.

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received on the proposed rule or the FAA's determination of the cost to the public.

After careful review, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed except for minor editorial corrections. The FAA has determined that these minor corrections will not change the meaning of the AD nor add any additional burden upon the public than was already proposed.

This action is presented in calendar time instead of hours time-in-service (TIS) because the condition occurs regardless of whether the airplane is utilized. The condition is based on design and not on the number of hours the airplane has been utilized. For example, the chances of a short in the electrical wiring controlled by the instrument panel light dimming rheostat is the same for airplanes that have accumulated 5,000 hours time-in-service (TIS) or 10 hours TIS. For these reasons, the airplane operator will have 6 calendar months to comply with the required action.

The FAA estimates that 12,994 airplanes in the U.S. registry will be affected by this AD, that it will take approximately 1 workhour per airplane to accomplish the required action, and that the average labor rate is approximately $55 an hour. Parts cost approximately $55 per airplane. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $1,429,340. This figure is based on the assumption that none of the affected airplane operators have accomplished the required action.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the final evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption "ADDRESSES".

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. App. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new AD:

93–24–15 Cessna Aircraft Company: Amendment 39–8764; Docket No. 93–CE–43–AD.

Applicability: The following model and serial number airplanes, certificated in any category:

Models	Serial numbers
150F, 150G, 150H, and 150J.	15061533 through 15071128.
F150F, F150G, F150H, and F150J.	F150–0001 through F150–0529.
172E, 172F, 172G, 172H, 172I, and 172K (T–41A).	17250573 through 17259223.
F172E, F172F, F172G, and F172H.	F172–0019 through F17200754.
FR172E, FR172F, and FR172G.	FR17200001 through FR17200225.
180H and 180J	18051446 through 18052384.
185D, 185E, and 185F.	185–0777 through 18502310.
R172E, R172F, R172G, and R172H (T–41B, T–41C, and T–41D).	R172–0001 through R172–0452.

Compliance: Required within the next 6 calendar months after the effective date of this AD, unless already accomplished.

To prevent an in-flight fire caused by a short in the electrical wiring controlled by the instrument panel light dimming rheostat, accomplish the following:

(a) Replace the existing instrument panel light dimming rheostat with one of improved design that is current-limited and heat-protected, part number RD–0015H–1600, in accordance with Cessna Accomplishment Instructions SEB92–33R1, Revision 1, dated June 25, 1993.

(b) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the airplane to a location where the requirements of this AD can be accomplished.

(c) An alternative method of compliance or adjustment of the compliance time that provides an equivalent level of safety may be approved by the Manager, Wichita Aircraft Certification Office, 1801 Airport Road, Room 100, Mid-Continent Airport, Wichita, Kansas 67209. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Wichita Aircraft Certification Office.

Note: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Wichita Aircraft Certification Office.

(d) The replacement required by this AD shall be done in accordance with Cessna Accomplishment Instructions SEB92–33R1, Revision 1, dated June 25, 1993. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Cessna Aircraft Company, P.O. Box 7704, Wichita, Kansas 67277. Copies may be inspected at the FAA, Central Region, Office of the Assistant Chief Counsel, room 1558, 601 E. 12th Street, Kansas City, Missouri, or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(e) This amendment (39–8764) becomes effective on February 11, 1994.

Issued in Kansas City, Missouri, on December 7, 1993.

Barry D. Clements,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 93–30422 Filed 12–17–93; 8:45 am]

BILLING CODE 4910–13–U

14 CFR Part 39

[Docket No. 93–NM–91–AD; Amendment 39–8767; AD 93–25–01]

Airworthiness Directives; De Havilland Model DHC–8–311 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain de Havilland Model DHC–8–311 series airplanes, that requires repetitive inspections to detect fatigue-related cracking on the rear face of the underwing fairing angles, and replacement of cracked parts. A terminating action is also provided, which, if accomplished,eliminates the need for repetitive inspections. This amendment is prompted by a report indicating that, during manufacture, a batch of titanium fairing angles was improperly reworked, resulting in reduced fatigue durability. The actions specified by this AD are intended to prevent failure of the underwing fairing angles, which could result in reduced structural integrity of the wing-to-fuselage attachment.

DATES: Effective January 19, 1994.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of January 19, 1994.

ADDRESSES: The service information referenced in this AD may be obtained from de Havilland, Inc., Garratt Boulevard, Downsview, Ontario M3K 1Y5, Canada. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Engine and Propeller Directorate, New York Aircraft Certification Office, 181 South Franklin Avenue, room 202, Valley Stream, New York; or at the Office of the Federal Register, 800 North Capitol Street NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Jon Hjelm, Aerospace Engineer, Airframe Branch, ANE–172, FAA, Engine and Propeller Directorate, New York Aircraft Certification Office, 181 South Franklin Avenue, room 202, Valley Stream, New York 11581; telephone (516) 791–6220; fax (516) 791–9024.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations to include an airworthiness directive (AD) that is applicable to certain de Havilland Model DHC–8–311 series airplanes was published in the Federal Register on August 16, 1993 (58 FR 43304). That action proposed to require repetitive detailed visual inspections to detect fatigue-related cracking on the rear face of the left- and right-hand underwing fairing angles (angle-to-angle wing attachment fittings), and replacement of cracked fairing angles with new, non-reworked fairing angles.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the single comment received.

The commenter supports the proposed rule.

After careful review of the available data, including the comment noted above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

The FAA estimates that 1 airplane of U.S. registry will be affected by this AD, that it will take approximately 1 work hour per airplane to accomplish the required actions, and that the average later rate is $55 per work hour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $55 per airplane. This total cost figure assumes that no operator has yet accomplished the requirements of this AD.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

93–25–01 De Havilland, Inc.: Amendment 39–8767. Docket 93–NM–91–AD.

Applicability: Model DHC–8–311 series airplanes, serial numbers 240 through 279 inclusive, certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent failure of the left- and right-hand underwing fairing angles, which could result in reduced structural integrity of the wing-to-fuselage attachment, accomplish the following:

(a) Prior to the accumulation of 6,830 total landings, or within 100 landings after the effective date of this AD, whichever occurs later, perform a detailed visual inspection to detect cracking on the rear face of the left- and right-hand underwing fairing angles, having part number 85350927, in accordance with de Havilland Alert Service Bulletin S.B. A8–53–46, Revision 'A', dated May 25, 1993.

(1) If no cracked fairing angle is found, repeat the inspection thereafter at intervals not to exceed 6,930 landings, in accordance with the service bulletin.

(2) If any cracked fairing angle is found, prior to further flight, replace the cracked fairing angle with a new, non-reworked fairing angle, having part number 85350927–107SP or 85350927–108SP, in accordance with the service bulletin.

(b) Replacement of the currently-installed left- and right-hand underwing fairing angles with new, non-reworked fairing angles, having part number 85350927–107SP or 85350927–108SP, in accordance with de Havilland Alert Service Bulletin S.B. A8–53–46, Revision 'A', dated May 25, 1993, constitutes terminating action for the repetitive inspection requirement of paragraph (a)(1) of this AD.

(c) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, New York Aircraft Certification Office (ACO), FAA, Engine and Propeller Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, New York ACO.

Note: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the New York ACO.

(d) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the airplane to a location where the requirements of this AD can be accomplished.

(e) The inspections and replacement shall be done in accordance with de Havilland Alert Service Bulletin S.B. A8-53-46, Revision 'A', dated May 25, 1993. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from de Havilland, Inc., Garratt Boulevard, Downsview, Ontario M3K 1Y5, Canada. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Engine and Propeller Directorate, New York Aircraft Certification Office, 181 South Franklin Avenue, room 202, Valley Stream, New York; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(f) This amendment becomes effective on January 19, 1994.

Issued in Renton, Washington, on December 9, 1993.

Bill R. Boxwell,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 93-30550 Filed 12-17-93; 8:45 am]

BILLING CODE 4910-13-P

14 CFR Part 39

[Docket No. 90-NM-129-AD; Amendment 39-8768; AD 93-25-02]

Airworthiness Directives; de Havilland, Inc., Model DHC-8-100 and DHC-8-300 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain de Havilland Model DHC-8-100 and DHC-8-300 series airplanes, that requires inspections of the flap primary-drive torque tube system to detect cracks, operational checks of the torque sensor to detect malfunctions, and replacement with serviceable parts, if necessary. This amendment also requires the eventual installation of modifications that would constitute terminating action for the repetitive inspections. This amendment is prompted by reports of failure of the flap torque-tube at the splined coupling due to improper heat treatment in a certain batch of parts, and a report of a malfunctioning torque sensor in the secondary-drive system. The actions specified by this AD are intended to prevent failure of the flaps to deploy symmetrically, which could cause a reduction in roll control effectiveness.

DATES: Effective January 19, 1994.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of January 19, 1994.

ADDRESSES: The service information referenced in this AD may be obtained from de Havilland, Inc., Garratt Boulevard, Downsview, Ontario M3K 1Y5, Canada. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue SW., Renton, Washington; or at the FAA, Engine and Propeller Directorate, New York Aircraft Certification Office, 181 South Franklin Avenue, room 202, Valley Stream, New York; or at the Office of the Federal Register, 800 North Capitol Street NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Michele Maurer, Aerospace Engineer, Systems and Equipment Branch, ANE-173, FAA, Engine and Propeller Directorate, New York Aircraft Certification Office, 181 South Franklin Avenue, room 202, Valley Stream, New York 11581; telephone (516) 791-6427; fax (516) 791-9024.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations to include an airworthiness directive (AD) that is applicable to certain de Havilland Model DHC-8-100 and DHC-8-300 series airplanes was published as a supplemental notice of proposed rulemaking (NPRM) in the **Federal Register** on June 7, 1993 (58 FR 31917). That action proposed to require inspections of the flap primary-drive torque tube system to detect cracks, operational checks of the torque sensor to detect malfunctions, and replacement with serviceable parts, if necessary. That action also proposed to require the eventual installation of certain modifications that would constitute terminating action for the repetitive inspections and operational checks.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the single comment received.

The commenter supports the proposed rule.

After careful review of the available data, including the comment noted above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

The FAA estimates that 100 airplanes of U.S. registry will be affected by this AD, that it will take approximately 12 work hours per airplane to accomplish the required inspections and functional checks. Installation of Modification8/1473 will entail 2 work hours per airplane to accomplish, and required parts will cost approximately $248 per airplane. Installation of Modification8/0803 will entail approximately 19 work hours per airplane to accomplish, and required parts will cost approximately $3,710 per airplane. Installation of Modification 8/1649 will entail approximately 5 work hours per airplane to accomplish, and required parts will cost approximately $4,680 per airplane. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $1,072,800, or $10,728 per airplane. This total cost figure assumes that no operator has yet accomplished the requirements of this AD.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption "**ADDRESSES.**"

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. App. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

93-25-02 De Havilland: Amendment 39-8768. Docket 90-NM-129-AD.

Applicability: Model DHC-8-100 and DHC-8-300 series airplanes, having serial numbers 3 through 293, certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent asymmetrical flap deployment, accomplish the following:

(a) For airplanes having serial numbers 3 through 231, 233, 235, 237, and 243: Within 300 hours time-in-service after the effective date of this AD, accomplish the procedures specified in paragraphs (a)(1), (a)(2), (a)(3), and (a)(4) of this AD:

(1) Locate and inspect the flap primary-drive torque tubes to determine if parts having the part numbers (P/N) and serial numbers (S/N) listed in Table 1, below, are installed.

TABLE 1

Torque tube P/N series	Torque tube S/N
734187	125 through 171.
734378	129 through 150.
734380	127 through 166.
734382	211 through 322.
734384	153 through 188 and 226 through 235.
734386	195 through 286.
734388	160 through 177.

(2) If any torque tube listed in Table 1 is installed, prior to further flight, remove the through-bolt from the splined coupling on each end of the torque tube and, using a 10X magnifying glass, perform a detailed visual inspection of the area around the bolt holes for cracks.

(3) If a splined coupling is found to be cracked on a particular torque tube, prior to further flight, accomplish either paragraph (a)(3)(i) or (a)(3)(ii) of this AD:

(i) Replace the splined couplings on that torque tube in accordance with the accomplishment instructions in the appropriate Sundstrand Service Bulletin specified in Table 2, below, and re-identify the torque tube as indicated. Marking the service bulletin number on the rod with indelible ink will satisfy this re-identification requirement. Or

(ii) Replace the particular torque tube with a serviceable unit.

Note: Some torque tubes have one splined coupling, while others have two.

TABLE 2

Sundstrand tube P/N series	Sundstrand alert service bulletin No.	Post-modification identification
734187	734187-27-A2, Rev. 1, dated September 15, 1990.	27-A2
734378	734378-27-A3, Rev. 1, dated January 25, 1991.	27-A3
734380	734380-27-A2, Rev. 1, dated September 15, 1990.	27-A2
734382	734382-27-A3, Rev. 1, dated September 15, 1990.	27-A3
734384	734384-27-A2, Rev. 1, dated September 15, 1990.	27-A2
734386	734386-27-A2, Rev. 1, dated September 15, 1990.	27-A2
734388	734388-27-A1, Rev. 1, dated September 15, 1990.	27-A1

(4) Upon reassembly, install the through-bolt, and torque to between 20 and 25 in-lb.

(b) For airplanes having serial numbers 3 through 231, 233, 235, 237, and 243: Within 900 hours time-in-service after the effective date of this AD, replace all splined couplings (which have not been replaced in accordance with paragraph (a)(3)(i) or (a)(3)(ii) of this AD) on torque tubes identified in Table 1, above, in accordance with the accomplishment instructions in the appropriate Sundstrand Service Bulletin specified in Table 2, above. Re-identify the torque tubes as indicated. Marking the service bulletin number on the rod with indelible ink will satisfy this re-identification requirement.

(c) For airplanes having serial numbers 3 through 293: Within 300 hours time-in-service after the effective date of this AD, and thereafter at intervals not to exceed 300 hours time-in-service, accomplish the following visual inspection procedure of the flap primary-drive torque tube system and the flap secondary-drive flex shaft system:

(1) Extend flaps fully.

(2) Conduct a general visual inspection of the flap primary-drive torque tubes over their entire length for fracture, rubbing, and wear.

(3) Damaged torque tubes, or torque tubes exhibiting wear greater than 0.010 inch in depth or 180 degrees around the circumference, must be replaced with serviceable torque tubes prior to further flight.

(4) Conduct a general visual inspection of the flap secondary-drive flex outer sheath casing for permanent deformation (kinks), or evidence of excessive heat of the outer braided sheath, melting of the outer plastic sheath (if installed), or any discoloration of the anodic film on the casing ferrules.

(5) If any of the conditions specified in paragraph (c)(4) of this AD exist, the secondary drive assemblies must be replaced with serviceable units prior to further flight.

(d) For airplanes having serial numbers 3 through 293: Within 600 hours time-in-service after the effective date of this AD, unless previously accomplished within the last 600 hours time-in-service; and thereafter at intervals not to exceed 1,200 hours time-in-service; accomplish the procedures specified in paragraphs (d)(1) and (d)(2) of this AD:

(1) Perform an operational check of the torque sensor in accordance with the following service documents, as appropriate:

(i) For Model DHC-8-100 series airplanes: Maintenance Program Task 2750/11 (refer to DASH 8 Maintenance Program Supplementary Information, PSM 1-8-7, Volume 2, Procedures 27, dated March 30, 1990).

(ii) For Model DHC-8-300 series airplanes: Maintenance Program Task 2750/11 (refer to DASH 8 Maintenance Program Supplementary Information, PSM 1-83-7, Volume 2, Procedures 27, dated December 21, 1988).

(2) Any torque sensor found malfunctioning or jammed must be replaced with a serviceable unit prior to further flight.

(e) For airplanes having serial numbers 3 through 293: Within 2,000 hours time-in-service after the effective date of this AD, or within 9 months after the effective date of this AD, whichever occurs first, modify the wing flap system by installing Modification 8/1473 in accordance with de Havilland Service Bulletin S.B. 8-54-16, Revision 'A', dated October 26, 1990; Modification 8/0803 in accordance with de Havilland Service Bulletin S.B. 8-27-47, Revision 'A', dated July 6, 1990; and Modification 8/1649 in accordance with de Havilland Service Bulletin S.B. 8-27-61, dated October 25, 1991. Installation of these modifications constitutes terminating action for the requirements of paragraphs (c) and (d) of this AD.

(f) Installation of Modification 8/1473 in accordance with de Havilland Service Bulletin S.B. 8-54-16, Revision 'A', dated October 26, 1990; Modification 8/0803 in accordance with de Havilland Service Bulletin S.B. 8-27-47, Revision 'A', dated July 6, 1990; and Modification 8/1649 in accordance with de Havilland Service Bulletin S.B. 8-27-61, dated October 25, 1991; constitutes terminating action for the requirements of paragraphs (c) and (d) of this AD.

(g) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, New York Aircraft Certification Office (ACO). Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, New York ACO.

Note: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the New York ACO.

(h) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the airplane to a location where the requirements of this AD can be accomplished.

(i) The replacements and re-identification shall be done in accordance with the following Sundstrand Alert service bulletins, which contain the specified effective pages:

Service bulletin referenced and date	Page No.	Revision level shown on page	Date shown on page
734187-27-A2, Revision 1, September 15, 1990	1-3, 6-7	1	September 15, 1990.
	4-5	Original	October 20, 1989.
734378-27-A3, Revision 1, January 25, 1991	1-7	1	January 25, 1991
734380-27-A2, Revision 1, September 15, 1990	1-3, 6-7	1	September 15, 1990.
	4-5	Original	October 20, 1989.
734382-27-A3, Revision 1, September 15, 1990	1-3, 6-7	1	September 15, 1990.
	4-5	Original	October 20, 1989.
734384-27-A2, Revision 1, September 15, 1990	1-3, 6-7	1	September 15, 1990.
	4-5	Original	October 20, 1989.
734386-27-A2, Revision 1, September 15, 1990	1-3, 6-7	1	September 15, 1990.
	4-5	Original	October 20, 1989.
734388-27-A1, Revision 1, September 15, 1990	1-3, 6-7	1	September 15, 1990.
	4-5	Original	October 20, 1989.

The modifications shall be done in accordance with de Havilland Service Bulletin S.B. 8-54-16, Revision 'A', dated October 26, 1990; de Havilland Service Bulletin S.B. 8-27-47, Revision 'A', dated July 6, 1990; and de Havilland Service Bulletin S.B. 8-27-61, dated October 25, 1991. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR Part 51. Copies may be obtained from de Havilland, Inc., Garratt Boulevard, Downsview, Ontario M3K 1Y5, Canada. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Engine and Propeller Directorate, New York Aircraft Certification Office, 181 South Franklin Avenue, Room 202, Valley Stream, New York; or at the Office of the Federal Register, 800 North Capitol Street NW., suite 700, Washington, DC.

(j) This amendment becomes effective on January 19, 1994.

Issued in Renton, Washington, on December 9, 1993.

Bill R. Boxwell,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 93-30551 Filed 12-17-93; 8:45 am]

BILLING CODE 4910-13-P

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14 CFR Part 39

[Docket No. 93-NM-104-AD; Amendment 39-8769; AD 93-25-03]

Airworthiness Directives; Israel Aircraft Industries Ltd. Model 1121 and 1123 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Israel Aircraft Industries Ltd. Model 1121 and 1123 series airplanes, that requires an inspection to detect damage of the wing lower center skin, lower aft skin, and rear spar under the main landing gear (MLG) wheel fairings; measurement and repair of damaged parts; and rework of the MLG wheel fairing ribs. This amendment is prompted by reports of chafing of the stiffening ribs of the MLG wheel fairings into the lower wing skins and aft spar. The actions specified by this AD are intended to prevent reduced structural integrity of the wings.

DATES: Effective January 19, 1994.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of January 19, 1994.

ADDRESSES: The service information referenced in this AD may be obtained from Astra Jet Corporation, Technical Publications, 77 McCullough Drive, suite 11, New Castle, Delaware 19720. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Timothy J. Dulin, Aerospace Engineer, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (206) 227-2141; fax (206) 227-1320.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations to include an airworthiness directive (AD) that is applicable to certain Israel Aircraft Industries Ltd. Model 1121 and 1123 series airplanes was published in the Federal Register on September 1, 1993 (58 FR 46137). That action proposed to require a one-time visual inspection to detect damage of the wing lower center skin, lower aft skin, and rear spar under the left- and right-hand MLG wheel fairings; measurement and repair of damaged parts; and rework of the MLG wheel fairing ribs.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the single comment received.

The commenter supports the proposed rule.

After careful review of the available data, including the comment noted above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

The FAA estimates that 45 airplanes of U.S. registry will be affected by this AD, that it will take approximately 20 work hours per airplane to accomplish the required actions, and that the average labor rate is $55 per work hour. The cost of required parts is expected to be negligible. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $49,500, or $1,100 per airplane. This total cost figure assumes that no operator has yet accomplished the requirements of this AD.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption "ADDRESSES."

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. App. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

93-25-03 Israel Aircraft Industries (IAI) Ltd.: Amendment 39-8769. Docket 93-NM-104-AD.

Applicability: Model 1121 series airplanes, serial numbers 071 through 106 inclusive, and 108 through 150 inclusive; and Model 1123 series airplanes, serial number 107; certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent reduced structural integrity of the wings, accomplish the following:

(a) Within 50 hours time-in-service after the effective date of this AD, remove the left- and right-hand main landing gear (MLG) wheel fairings, and perform a visual inspection to detect damage of the wing lower center skin, lower aft skin, and rear spar under the fairings, in accordance with Israel Aircraft Industries Ltd. (1121 Commodore Jet) Service Bulletin SB 1121-57-018 (for Model 1121 series airplanes), dated November 25, 1992; or Israel Aircraft Industries Ltd. (1123-Westwind) Service Bulletin SB 1123-57-035 (for Model 1123 series airplanes), dated November 25, 1992; as applicable.

(1) If no damage is detected, prior to further flight, rework the MLG wheel fairing ribs and reinstall the left- and right-hand MLG wheel fairings, in accordance with the applicable service bulletin.

(2) If any damage is detected, prior to further flight, measure the depth of the damage, repair any damage found, rework the MLG wheel fairing ribs, and reinstall the left- and right-hand MLG wheel fairings, in accordance with the applicable service bulletin.

(b) If any crack is detected during the repair required by paragraph by paragraph (a)(2) of this AD, prior to further flight, repair in accordance with a method approved by the Manager, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate.

(c) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Standardization Branch, ANM-113.

Note: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Standardization Branch, ANM-113.

(d) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the airplane to a location where the requirements of this AD can be accomplished.

(e) The actions shall be done in accordance with Israel Aircraft Industries Ltd. (1121 Commodore Jet) Service Bulletin SB 1121-57-018, dated November 25, 1992; or Israel Aircraft Industries Ltd. (1123-Westwind) Service Bulletin SB 1123-57-035, dated November 25, 1992; as applicable. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Astra Jet Corporation, Technical Publications, 77 McCullough Drive, suite 11, New Castle, Delaware 19720. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(f) This amendment becomes effective on January 19, 1994.

Issued in Renton, Washington, on December 10, 1993.

Bill R. Boxwell,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 93-30650 Filed 12-17-93; 8:45 am]

BILLING CODE 4910-13-P

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14 CFR Part 39

[Docket No. 92-CE-52-AD; Amendment 39-8774; AD 93-25-08]

Airworthiness Directives: Piper Aircraft Corporation PA31 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that applies to certain Piper Aircraft Corporation (Piper) PA31 series airplanes. This action requires replacing the main landing gear (MLG) actuator reinforcement bracket with a part of improved design. Reports of cracked MLG actuator reinforcement brackets on several of the affected airplanes, including a report of the MLG extending when not selected and while the airplane was in flight, prompted this AD. The actions specified by this AD are intended to prevent the MLG from extending, when not selected and while the airplane is in flight, because of actuator reinforcement bracket failure, which could result in substantial airplane damage or loss of control of the airplane.

DATES: Effective February 11, 1994.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of February 11, 1994.

ADDRESSES: Service information that applies to this AD may be obtained from the Piper Aircraft Corporation, Customer Services, 2926 Piper Drive, Vero Beach, Florida 32960. This information may also be examined at the Federal Aviation Administration (FAA), Central Region, Office of the Assistant Chief Counsel, room 1558, 601 E. 12th Street, Kansas City, Missouri 64106; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. Charles Perry, Aerospace Engineer, FAA, Atlanta Aircraft Certification Office, 1669 Phoenix Parkway, Suite 210C, Atlanta, Georgia 30349; telephone (404) 991-2910; facsimile (404) 991-3606.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations to include an AD that would apply to certain Piper PA31 series airplanes was published in the **Federal Register** on March 16, 1993 (58 FR 14184). The action proposed to require replacing any MLG actuator reinforcement bracket having part number (P/N) 40776-00 with a MLG actuator reinforcement bracket of improved design, P/N 73786-02. The proposed actions would be accomplished in accordance with Piper SB No. 923, dated August 16, 1989.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the one comment received.

The commenter states that the FAA's basic premise for the proposed AD is invalid. This commenter explains that, since the MLG is held in the up position mechanically and the hydraulic system is of an open design (no pressure in the up and down positions), then a cracked MLG actuator bracket could not cause the MLG to inadvertently extend because the bracket has nothing to do with holding the MLG up. The FAA agrees that a mere crack in the actuator bracket would not cause inadvertent extension; however, if the bracket cracked to the point of failure, then the actuator cylinder could separate. In this situation, the up-lock hook connecting rod could move, resulting in inadvertent extension of the MLG. This failure sequence has in fact occurred while one of the affected airplanes was in flight. The proposed AD is unchanged based upon this comment.

The commenter also questions why mandatory replacement is required instead of a repetitive inspection program, with replacement if found cracked. Because of the number of reported cracked P/N 40776–00 MLG actuator brackets, the FAA does not concur that repetitive inspections will maintain an adequate level of safety. FAA service difficulty records support the fact that these MLG brackets are cracking. In addition, the manufacturer has distributed approximately 3,500 MLG actuator brackets in the last five years. The proposed AD is unchanged based upon this comment.

The commenter also questions parts availability, stating that the manufacturer only has 15 brackets in stock and there are 5,000 airplanes affected by the proposed AD. The FAA estimates that 2,448 airplanes would be affected by the proposed AD. Before issuing the NPRM, the FAA verified parts availability with the manufacturer, and was told that parts were available. The FAA then learned that, at the time of the comment, parts were not available for all affected airplanes. However, the FAA has since checked with the manufacturer to again verify parts availability, and has been assured by the manufacturer that these improved design parts are available for all of the estimated 2,448 airplanes affected by this action. The proposed AD is unchanged based upon this comment.

No comments were received on the FAA's estimate of the cost of the proposed AD on the public.

After careful review of all information including the issues raised by the commenter, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed except for minor editorial corrections. The FAA has determined that these minor corrections will not change the meaning of the AD nor add any additional burden upon the public than was already proposed.

The compliance time of the required AD is presented in both hours time-in-service (TIS) and calendar time. Operators in commuter service can put up to 200 hours TIS in one calendar month while a general aviation operator may not utilize the airplane 200 hours TIS in one calendar year. This calendar time compliance will allow commuter operators the option of accomplishing the actions to coincide with regularly scheduled maintenance, while allowing general aviation operators adequate hours TIS to accomplish the required action.

The FAA estimates that 2,448 airplanes in the U.S. registry will be affected by this AD, that it will take approximately 4 workhours per airplane to accomplish the required action, and that the average labor rate is approximately $55 an hour. Parts cost approximately $308 per airplane. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $1,292,544. This figure is based on the assumption that none of the affected airplane operators have accomplished the required action.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the final evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption ADDRESSES.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. App. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new AD:

93–25–08 Piper Aircraft Corporation: Amendment 39–8774; Docket No. 92–CE–52–AD.

Applicability: The following Model and serial number airplanes, certificated in any category:

Models	Serial numbers.
PA–31–300, PA–31–310, and PA–31–325.	31–2 through 31–8312019.
PA–31–350.	31–5001 through 31–8452021.
PA–31–350 T–1020.	31–8253001 through 31–8553002.
PA–31P	31P–1 through 31P–7730012.
PA–31P–350.	31P–8414001 through 31P–8414050.
PA–31T	31T–7400001 through 31T–8120104.
PA–31T1 ..	31T–7804001 through 31T–1104017.
PA–31T2 ..	31T–8166001 through 31T–1166008.
PA–31T3 T–1040.	31T–8275001 through 31T–5575001.

Compliance: Required within the next 200 hours time-in-service after the effective date of this AD or within the next 6 calendar months after the effective date of this AD, whichever occurs later, unless already accomplished.

Note 1: The calendar month compliance time is utilized to allow commuter operators the option of accomplishing the actions to coincide with regularly scheduled maintenance.

To prevent the main landing gear (MLG) from extending, when not selected and while the airplane is in flight, because of actuator reinforcement bracket failure, which could result in substantial damage to or loss of control of the airplane, accomplish the following:

(a) Replace any MLG actuator reinforcement bracket having part number (P/N) 40776–00 with a new MLG actuator reinforcement bracket, P/N 73786–02, in accordance with the INSTRUCTIONS section of Piper Service Bulletin No. 923, dated August 16, 1989.

(b) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the airplane to a location where the requirements of this AD can be accomplished.

(c) An alternative method of compliance or adjustment of the compliance time that provides an equivalent level of safety may be approved by the Manager, Atlanta Aircraft Certification Office (ACO), 1669 Phoenix Parkway, Suite 210C, Atlanta, Georgia 30349. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Atlanta ACO.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Atlanta ACO.

(d) The replacement required by this AD shall be done in accordance with Piper Service Bulletin No. 923, dated August 16, 1989. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Piper Aircraft Corporation, 2926 Piper Drive, Vero Beach, Florida 32960. Copies may be inspected at the FAA, Central Region, Office of the Assistant Chief Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri, or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(e) This amendment (39–8774) becomes effective on February 11, 1994.

Issued in Kansas City, Missouri, on December 13, 1993.

Barry D. Clements,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 93–30925 Filed 12–17–93; 8:45 am]

BILLING CODE 4910–13–U

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14 CFR Part 39

[Docket No. 93–CE–38–AD; Amendment 39–8773; AD 93–25–07]

Airworthiness Directives: Beech Aircraft Corporation 200 and 300 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that applies to certain Beech Aircraft Corporation (Beech) 200 and 300 series airplanes that do not have the fuselage stringers, Numbers (Nos.) 5 through 11, modified on both the left and right hand sides in accordance with certain service information. This action requires repetitively inspecting the fuselage stringers for cracks, and repairing any cracked stringers. Numerous reports of cracked fuselage stringers in the area of the rear pressure bulkhead on the affected airplanes prompted this action. The actions specified by this AD are intended to prevent structural damage to the fuselage caused by cracked stringers in the rear pressure bulkhead area.

DATES: Effective February 15, 1994.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of February 15, 1994.

ADDRESSES: Service information that applies to this AD may be obtained from the Beech Aircraft Corporation, P.O. Box 85, Wichita, Kansas 67201–0085. This information may also be examined at the Federal Aviation Administration (FAA), Central Region, Office of the Assistant Chief Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC. Information relating to Supplemental Type Certificate (STC) SA63CH may be obtained from Priester Aviation Service, Pal-Waukee Municipal Airport, Wheeling, Illinois 60090.

FOR FURTHER INFORMATION CONTACT: Mr. Don Campbell, Wichita Aircraft Certification Office, FAA, 1801 Airport Road, Mid-Continent Airport, Wichita, Kansas 67209; telephone (316) 946–4128; facsimile (316) 946–4407.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations to include an AD that would apply to certain Beech 200 and 300 series airplanes was published in the **Federal Register** on July 20, 1993 (58 FR 38731). The action proposed to require repetitively inspecting the fuselage stringers for cracks, and repairing any cracked stringers. The proposed actions would be accomplished in accordance with the ACCOMPLISHMENT INSTRUCTIONS section of Beech Service Bulletin (SB) No. 2472, dated June 1993.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the comments received.

One commenter requests that the compliance time in the proposed AD for modifying cracked stringers correspond with the service bulletin. The proposed AD specifies "prior to further flight, modify any cracked stringer." Beech SB No. 2472 specifies that (a) if 1 to 3 stringers are found cracked on any one side of the fuselage, repair within 150 hours TIS; (b) if 4 stringers are found cracked on any one side of the fuselage, repair within 30 hours TIS; and (c) if 5 or more stringers are found cracked on any side of the fuselage, repair prior to further flight. The FAA concurs that the compliance time for the repair specified in Beech SB No. 2472 should be what is incorporated in the proposed AD. The FAA inadvertently did not incorporate these times. The proposed AD has been changed accordingly as a result of this comment.

In addition, Beech has revised SB No. 2472 to the Revision 1 level. This revision adds reinforcement kit reference and serial number effectivity for certain airplane models that were not included in the original service bulletin. These additional airplanes are military airplanes or owned by the FAA.

After careful review of all available information including the service information described above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed except for (1) the addition of the serial numbered airplanes specified in the service information; (2) the incorporation of Beech SB No. 2472, Revision 1, dated September 1993; and (3) minor editorial corrections. The FAA has determined that these minor corrections will not change the meaning of the AD and, since the airplanes added to the proposed AD are FAA-owned or military, there is no additional burden upon the public than was already proposed.

The FAA estimates that 2,320 airplanes (2,264 airplanes originally proposed plus the additional 56 FAA-owned or military airplanes previously mentioned) in the U.S. registry will be affected by this AD, that it will take approximately 1 workhour per airplane to accomplish the required action, and that the average labor rate is approximately $55 an hour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $127,600. These figures are based upon the assumption that none of the affected airplane operators have incorporated one of the inspection-terminating modifications.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT

Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the final evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption ADDRESSES.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. App. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new AD:

93-25-07 Beech Aircraft Corporation: Amendment 39-8773; Docket No. 93-CE-38-AD.

Applicability: The model and serial number airplanes presented below, certificated in any category, that do not have all the fuselage stringers Nos. 5 through 11 modified on both the right and left hand sides in accordance with either (1) Beech Service Bulletin (SB) 2472, Revision 1, dated September 1993; (2) Chapter 51-10 or 53-10, as applicable, of the maintenance manual; or (3) the instructions to Priester Aviation Service Supplemental Type Certificate (STC) SA63CH:

Models	Serial Nos.
200, A200, B200, and A100-1.	BB-2 through BB-1462, BC-1 through BC-75, and BD-1 through BD-30.
200C, A200C, and B200C.	BL-1 through BL-138, BJ-1 through BJ-66, BU-1 through BU-12, and BV-1 through BV-12.
200CT, A200CT, B200CT.	BN-1 through BN-4, BP-1 through BP-71, FC-1, FC-2, FC-3, FE-1 through FE-31, FG-1, FG-2, and GR-1 through GR-19.
200T and B200T.	BT-1 through BT-38.
300	FA-1 through FA-228.
300 (FAA) ...	FF-1 through FF-19.
B300	FL-1 through FL-103.
B300C	FM-1 through FM-8 and FN-1.

Compliance: Required upon the accumulation of 3,000 hours time-in-service (TIS) or within the next 100 hours TIS after the effective date of this AD, whichever occurs later, unless already accomplished, and thereafter as indicated.

To prevent structural damage to the fuselage caused by cracked stringers in the rear pressure bulkhead area, accomplish the following:

(a) Inspect fuselage stringers Numbers (Nos.) 5 through 11 on both the left and right hand sides for cracks in accordance with the Accomplishment Instructions section of Beech SB No. 2472, Revision 1, dated September 1993.

(1) If no cracks are found, reinspect at intervals that correspond with the following:

Stringers modified in accordance with one of the three modifications referenced in the applicability section of this AD	Inspection interval
No Stringers Modified	600 hours TIS on all stringers.
Nos. 8, 9, and 10 (one side) with Internal Modification.	1,200 hours TIS on unmodified stringers.
Nos. 8, 9, and 10 (one side) with External Modification.	600 hours TIS on unmodified stringers.
Nos. 5 through 11	AD no longer applies.

(2) If cracks are found, modify all cracked fuselage stringers at any time up to the time specified in the chart presented in paragraph (a)(3) of this AD. Accomplish this modification in accordance with the instructions in one of the three modifications specified in the Applicability section of this AD, and reinspect at intervals presented in the chart in paragraph (a)(1) of this AD.

(3) The following chart specifies the required compliance time where cracked stringers must be modified:

No. of stringers cracked on any one side of fuselage	When modification must be accomplished (Hours TIS)
1 to 3	150
4	30
5 or more	Prior to further flight.

(b) The modifications specified in the Applicability section of this AD may be accomplished at any time as terminating action for the inspection requirement of this AD provided that all fuselage stringers Nos. 5 through 11 are modified.

(c) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the airplane to a location where the requirements of this AD can be accomplished.

(d) An alternative method of compliance or adjustment of the compliance time that provides an equivalent level of safety may be approved by the Manager, Wichita Aircraft Certification Office (ACO), FAA, 1801 Airport Road, Room 100, Wichita, Kansas 67209. The request should be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and send it to the Manager, Wichita ACO.

Note: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Wichita ACO.

(e) The inspections and modification required by this AD shall be done in accordance with Beech Service Bulletin 2472, Revision 1, dated September 1993. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR Part 51. Copies may be obtained from the Beech Aircraft Corporation, P.O. Box 85, Wichita, Kansas 67201-0085. Copies may be inspected at the FAA, Central Region, Office of the Assistant Chief Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri, or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(f) This amendment (39-8773) becomes effective on February 15, 1994.

Issued in Kansas City, Missouri, on December 13, 1993.

Barry D. Clements,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 93-30926 Filed 12-17-93; 8:45 am]

BILLING CODE 4910-13-U

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Part 2619

Valuation of Plan Benefits in Single-Employer Plans; Expected Retirement Age

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

SUMMARY: This rule amends the Pension Benefit Guaranty Corporation's regulation on Valuation of Plan Benefits in Single-Employer Plans (29 CFR part 2619) by adding a new Table I-94 to appendix D. Table I-94 applies to any plan being terminated either in a distress termination or involuntarily by the PBGC with a valuation date falling in 1994, and is used to determine expected retirement ages for plan participants. This table is needed in order to compute the value of early retirement benefits and, thus, the total value of benefits under the plan.

EFFECTIVE DATE: January 1, 1994.

FOR FURTHER INFORMATION CONTACT: Renae R. Hubbard, Special Counsel, Office of the General Counsel, Pension Benefit Guaranty Corporation, 1200 K

Street, NW., Washington, DC 20005–4026; 202–778–8850 (as of December 20, 1993, use 202–326–4024) (202–778–8859 for TTY and TDD (as of January 24, 1994, use 202–326–4179)). (These are not toll free numbers.)

SUPPLEMENTARY INFORMATION: The regulation of the Pension Benefit Guaranty Corporation ("PBGC") on Valuation of Plan Benefits in Single-Employer Plans (29 CFR part 2619) sets forth the methods for valuing plan benefits of terminating single-employer plans covered under title IV of the Employee Retirement Income Security Act of 1974, as amended ("ERISA"). Under ERISA section 4041(c), plans wishing to terminate in a distress termination must value guaranteed benefits and benefit liabilities under the plan using formulas set forth in part 2619, subpart C. (Plans terminating in a standard termination may, for purposes of the Standard Termination Notice filed with PBGC, use these formulas to value benefit liabilities, although this is not required.) In addition, when the PBGC terminates an underfunded plan involuntarily pursuant to ERISA section 4042(a), it uses the subpart C formulas to determine the amount of the plan's underfunding.

Under § 2619.46, early retirement benefits are valued based on the annuity starting date, if a retirement date has been selected, or the expected retirement age, if the annuity starting date is not known on the valuation date. Subpart D of part 2619 sets forth rules for determining the expected retirement ages for plan participants entitled to early retirement benefits. Appendices D and E of part 2619 contain tables and examples to be used in determining the expected early retirement ages.

There are two sets of tables in appendix D. The first set, Selection of Retirement Rate Category (I–79 through I–93), is used to determine whether a participant has a low, medium, or high probability of retiring early. The second set of tables, Expected Retirement Ages for Individuals in the Low/Medium/High Categories (II–A, II–B, and II–C), is used to determine the expected retirement age after the probability of early retirement has been determined.

The first set of tables determines the probability of early retirement based on the year a participant would reach normal retirement age and the participant's monthly benefit at normal retirement age. The second set of tables establishes, by probability category, the expected retirement age based on both the earliest age a participant could retire under the plan and the normal retirement age under the plan. This expected retirement age is used to compute the value of the early retirement benefit and, thus, the total value of benefits under the plan.

Tables I–79 through I–93 in appendix D establish retirement rate categories for the calendar years 1979 through 1993. The table for each year applies only to plans with valuation dates in that year. The PBGC updates these tables annually to reflect changes in the cost of living, etc. This document amends appendix D to add Table I–94 in order to provide an updated correlation, appropriate for calendar year 1994, between the amount of a participant's benefit and the probability that the participant will elect early retirement. Table I–94 will be used to value benefits in plans with valuation dates that occur during calendar year 1994.

The PBGC has determined that notice of the public comment on this rule are impracticable and contrary to the public interest. Plan administrators need to be able to estimate accurately the value of plan benefits as early as possible before initiating the termination process. For that purpose, if a plan has a valuation date in 1994, the plan administrator needs the updated table being promulgated in this rule. Accordingly, the public interest is best served by issuing this table expeditiously, without an opportunity for notice and comment, to allow as much time as possible to estimate the value of plan benefits with the proper table for plans with valuation dates in early 1994. Moreover, because of the need to provide immediate guidance for the valuation of benefits under such plans, and because no adjustment by ongoing plans is required by this amendment, the PBGC finds that good cause exists for making this amendment to the regulation effective less than 30 days after publication.

The PBGC has determined that this action is not a "significant regulatory action" under the criteria set forth in Executive Order 12866 because it will not have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities; create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in Executive Order 12866.

Because no general notice of proposed rulemaking is required for this regulation, the Regulatory Flexibility Act of 1980 does not apply (5 U.S.C. 601 (2)).

List of Subjects in 29 CFR Part 2619

Employee benefit plans, Pension insurance, Pensions.

In consideration of the foregoing, appendix D to part 2619 of subchapter C of chapter XXVI of title 29, Code of Federal Regulations, is hereby amended as follows:

PART 2619—[AMENDED]

1. The authority citation for part 2619 continues to read as follows:

Authority: 29 U.S.C. 1301(a), 1302(b)(3), 1341, 1344, and 1362.

2. Appendix D to part 2619 is amended by adding Table I–94 as follows:

Appendix D to Part 2619—Tables Used To Determine Expected Retirement Age

* * * * *

TABLE I–94—SELECTION OF RETIREMENT RATE CATEGORY

[For Plans with valuation dates after December 31, 1993, and before January 1, 1995]

Participant reaches NRA in year—	Participant's Retirement Rate Category is— Low[1] if monthly benefit at NRA is less than—	Medium[2] if monthly benefit at NRA is From	Medium[2] if monthly benefit at NRA is To	High[3] if monthly benefit at NRA is greater than—
1995	377	377	1,586	1,586
1996	388	388	1,634	1,634
1997	400	400	1,683	1,683

TABLE I-94—SELECTION OF RETIREMENT RATE CATEGORY—Continued

[For Plans with valuation dates after December 31, 1993, and before January 1, 1995]

Participant reaches NRA in year—	Participant's Retirement Rate Category is—			
	Low [1] if monthly benefit at NRA is less than—	Medium [2] if monthly benefit at NRA is		High [3] if monthly benefit at NRA is greater than—
		From	To	
1998	412	412	1,733	1,733
1999	425	425	1,787	1,787
2000	438	438	1,842	1,842
2001	451	451	1,900	1,900
2002	465	465	1,958	1,958
2003	480	480	2,019	2,019
2004 or later	495	495	2,082	2,082

[1] Table II-A
[2] Table II-B
[3] Table II-C

Issued at Washington, DC this 14th day of December, 1993.

Martin Slate,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 93-30957 Filed 12-17-93; 8:45 am]

BILLING CODE 7708-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD 05-93-085]

Special Local Regulations for Marine Events; New Year's Eve Celebration Fireworks; Norfolk Harbor, Elizabeth River, Norfolk and Portsmouth, VA

AGENCY: Coast Guard, DOT.

ACTION: Notice of implementation.

SUMMARY: This notice implements special local regulation for the New Year's Eve Celebration Fireworks Display launched from barges on the Elizabeth River, adjacent to "Waterside", between the Norfolk and Portsmouth downtown areas from 8 p.m., December 31, 1993 to 1 a.m., January 1, 1994. The regulations are needed to control vessel traffic within the immediate vicinity of the event due to the confined nature of the waterway and the expected congestion at the time of the event. The regulations restrict general navigation in the area for the safety of life and property on the navigable waters during the event.

EFFECTIVE DATES: This regulation is effective from 8 p.m., December 31, 1993 until 1 a.m., on January 1, 1994. If inclement weather causes the postponement of the event, the regulations are effective from 6 p.m. until 8 p.m., on January 1, 1994.

FOR FURTHER INFORMATION CONTACT: Mr. Stephen Phillips, Chief, Boating Affairs Branch, Boating Safety Division, Fifth Coast Guard District, 431 Crawford Street, Portsmouth, Virginia 23704-5004 (804) 398-6204, or Commander, Coast Guard Group Hampton Roads (804) 483-8559.

SUPPLEMENTARY INFORMATION:

Drafting Information

The drafters of this notice are QM2 Gregory C. Garrison, project officer, Boating Affairs Branch, Boating Safety Division, Fifth Coast Guard District, and Capt. M.K. Cain, project attorney, Fifth Coast Guard District Legal Staff.

Discussion of Regulation

Norfolk Festevents, Ltd. submitted an application requesting a permit to sponsor fireworks display on December 31, 1993 to take place from 8 p.m. until 1 a.m., on January 1, 1994. The fireworks display will be launched from barges anchored in the Elizabeth River off Town Point Park, Norfolk, Virginia, over the Elizabeth River. Since many spectator vessels are expected to be in the area to watch the fireworks display, the regulations in 33 CFR 100.501 are being implemented to provide for the safety of life and property. The waterway will be closed during the fireworks display. Since the waterway will not be closed for an extended period, commercial traffic should not be severely disrupted. In addition to regulating the area for the safety of life and property, this notice of implementation also authorizes the Patrol Commander to regulate the operation of the Berkley drawbridge in accordance with 33 CFR 117.1007, and authorizes spectators to anchor in the special anchorage areas described in 33 CFR 110.72aa. The implementation of 33 CFR 100.501 also implements regulations in 33 CFR 110.72aa and 117.1007. 33 CFR 110.72aa establishes the spectator anchorages in 33 CFR 100.501 as special anchorage areas under Inland Navigation Rule 30, 33 U.S.C. 2030(g). 33 CFR 117.1007 closes the draw of the Berkley Bridge to vessels during and for one hour before and after the effective period under 33 CFR 100.501, except that the Coast Guard Patrol Commander may order that the draw be opened for commercial vessels.

Dated: December 9, 1993.

W.T. Leland,

Rear Admiral, U.S. Coast Guard, Commander, Fifth Coast Guard District.

[FR Doc. 93-30978 Filed 12-17-93; 8:45 am]

BILLING CODE 4910-14-M

Coast Guard

33 CFR Part 165

[COTP Baltimore, MD Reg. 93-05-028]

Safety Zone Regulation; Inner Harbor Fireworks Display, Patapsco River Inner Harbor, Baltimore, MD

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a safety zone for a fireworks display in the Inner Harbor located in Baltimore, Maryland. Fireworks will be launched from barges anchored approximately 600 feet south of Pier 6 in the Patapsco River. This safety zone is necessary to control spectator craft and to provide for the safety of life and property on and in the vicinity of the fireworks display.

EFFECTIVE DATE: These regulations will be effective from 11:30 p.m. December 31, 1993 and will terminate at 12:30 a.m. on January 1, 1994, unless sooner terminated by the COTP.

FOR FURTHER INFORMATION CONTACT: Lieutenant Mark Williams, U.S. Coast Guard Marine Safety Office Baltimore, U.S. Custom House, 40 South Gay Street, Baltimore, Maryland 21202-4022, (410) 962-5104.

SUPPLEMENTARY INFORMATION: In accordance with 5 U.S.C. 553, a Notice of Proposed Rule Making (NPRM) has not been published for this regulation and good cause exists for making it effective in less than 30 days from the date of publication. Adherence to normal rulemaking procedures is not possible due to the late receipt of the notice of intent to conduct a fireworks display. Specifically, the sponsor's application to hold this event was not received until November 15, 1993, leaving insufficient time to publish an NRPM in advance of the event.

Drafting Information

The drafters of this regulation are Lieutenant Mark Williams, project officer for the Captain of the Port, Baltimore, Maryland, and Lieutenant Monica L. Lombardi, project attorney, Fifth Coast Guard District Legal Staff.

Background and Purpose

The City of Baltimore Office of Promotions filed an application with the U.S. Coast Guard on November 15, 1993, requesting a safety zone for a fireworks display to be held on January 1, 1994. As part of their application, the Office of Promotions requested the Coast Guard provide control of spectator, recreational and commercial traffic during the fireworks display.

Discussion of Regulation

The fireworks will be launched from two barges anchored approximately 600 feet south of Pier 6, in the Inner Harbor. The Safety Zone will consist of a circle, with a radius of 600 feet, drawn from the center of the barge anchorage site. This regulation is necessary to control spectator craft and to provide for the safety of life and property on and in the vicinity of the Patapsco River during the fireworks event. Since the main shipping channel will not be closed and this regulation will only be in effect for a short time, the impact on routine navigation should be minimal.

Economic Assessment and Certification

This action is not considered a significant regulatory action under Executive Order 12866 and is not significant under Department of Federal Regulation and nonsignificant under Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979). The economic impact of this proposal is expected to be minimal since the main shipping channel will remain open, therefore a full regulatory evaluation is unnecessary. The Coast Guard also considered the impact of this regulation on small entities and concluded that such impact is expected to be minimal. Therefore the Coast Guard certifies under 5 U.S.C. 605(b), that this regulation will not have a significant economic impact on a substantial number of small entities.

Federalism Assessment

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612. This temporary rule does not raise sufficient federalism implication to warrant the preparation of a Federalism Assessment. This proposal contains no collection of information requirements under the Paperwork Reduction Act (44 U.S.C. 3501 et seq.)

List of Subjects in 33 CFR 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

Regulation

In consideration of the foregoing, Subpart F of Part 165 of Title 33, Code of Federal Regulations is amended as follows:

PART 165—[AMENDED]

1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1231: 50 U.S.C. 191; 33 CFR 1.05-1(g), 6.04-1, 6.04-6, and 160.5; 49 CFR 1.46.

2. In part 165 a temporary § 165.092 is added to read as follows:

§ 165.T05-092 Safety Zone: Patapsco River, Inner Harbor, Baltimore, Maryland.

(a) *Location.* The following area is a safety zone: The waters of the Patapsco River, Inner Harbor bounded by the arc of a circle with a radius of 600 feet, with its center located at Latitude 39°17′ North; Longitude 076°36′ West.

(b) *Definitions.* The designated representative of the Captain of the Port is any Coast Guard commissioned, warrant or petty officer who has been authorized by the Captain of the Port, Baltimore, Maryland to act on his behalf.

(c) *General information.* The Captain of the Port and the Duty Officer at the Marine Safety Office, Baltimore, Maryland may be contacted at telephone number (410) 962-5105. The Coast Guard Patrol Commander and the senior boarding officer on each vessel enforcing the safety zone may be contacted on VHF-FM channels 16 and 13.

(d) *Regulation.* (1) In accordance with the general regulations in Section 165.23 of this part, entry into this safety zone is prohibited unless authorized by the Captain of the Port or his designated representative.

(2) The operator of any vessel which enters into or operates in this safety zone shall:

(i) Stop the vessel immediately upon being directed to do so by any commissioned, warrant, or petty officer on board a vessel displaying a Coast Guard Ensign.

(ii) Proceed as directed by any commissioned, warrant, or petty officer on board a vessel displaying a Coast Guard Ensign.

(e), *Effective dates.* This regulation will be effective from 11:30 p.m. December 31, 1993 and terminate at 12:30 a.m., January 1, 1994, unless sooner terminated by the Captain of the Port, Baltimore, Maryland.

Dated: December 9, 1993.

G.S. Cope,

Captain, U.S. Coast Guard, Captain of the Port, Baltimore, Maryland.

[FR Doc. 93-30977 Filed 12-17-93; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CA-11-7-5821; FRL-4806-8]

Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, Santa Barbara County Air Pollution Control District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of final rulemaking (NFR).

SUMMARY: EPA is finalizing a limited approval and a limited disapproval of rule revisions to the California State Implementation Plan (SIP) proposed in the **Federal Register** on October 1, 1992. The revisions concern a rule from the Santa Barbara County Air Pollution Control District (SBCAPCD). This final action will incorporate this rule into the federally approved SIP. The intended effect of finalizing this action is to regulate emissions of volatile organic compounds (VOCs) in accordance with the requirements of the Clean Air Act, as amended in 1990 (CAA or the Act). The revised rule controls VOC

emissions from architectural coating operations. Thus, EPA is finalizing a limited approval of this revision into the California SIP under CAA provisions regarding EPA action on SIP submittals and general rulemaking authority because this revision strengthens the SIP. EPA is also finalizing a limited disapproval of this rule under provisions of the CAA cited above because this rule contains deficiencies, and as a result, does not meet the CAA provisions regarding plan submissions and requirements for nonattainment areas. As a result of this limited disapproval EPA will be required to impose highway funding or emission offset sanctions under the CAA unless the State submits and EPA approves corrections to the identified deficiencies within 18 months of the effective date of this disapproval. Moreover, EPA will be required to promulgate a federal implementation plan (FIP) unless the deficiencies are corrected within 24 months of the effective date of this disapproval.

EFFECTIVE DATE: This action is effective on January 19, 1994.

ADDRESSES: Copies of the rule revisions and EPA's evaluation report for Rule 323 are available for public inspection at EPA's Region 9 office during normal business hours. Copies of the submitted rule revisions are available for inspection at the following locations:

Rulemaking Section II (A–5–3), Air and Toxics Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105

Environmental Protection Agency, Jerry Kurtzweg ANR 443, 401 "M" Street, SW., Washington, DC 20460

California Air Resources Board, Stationary Source Division, Rule Evaluation Section, 2020 "L" Street, Sacramento, CA 95812

Santa Barbara County Air Pollution Control District, 26 Castilian Drive B–23, Goleta, CA 93117.

FOR FURTHER INFORMATION CONTACT: Chris Stamos, Rulemaking Section II (A–5–3), Air and Toxics Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105. Telephone: (415) 744–1187.

SUPPLEMENTARY INFORMATION:

Background

On October 1, 1992 in 57 FR 45358, EPA proposed granting limited approval and limited disapproval of SBCAPCD Rule 323, Architectural Coatings, into the California SIP. Rule 323 was adopted by SBCAPCD on February 20, 1990. This rule was submitted by the California Air Resources Board (CARB) to EPA on December 31, 1990. Rule 323 was submitted in response to EPA's 1988 SIP Call and the CAA section 182(a)(2)(A) requirement that nonattainment areas fix their reasonably available control technology (RACT) rules for ozone in accordance with EPA guidance that interpreted the requirements of the pre-amendment Act. A detailed discussion of the background for this rule and nonattainment area is provided in the notice of proposed rulemaking (NPR) cited above.

EPA has evaluated Rule 323 for consistency with the requirements of the CAA and EPA regulations and EPA's interpretation of these requirements as expressed in the various EPA policy guidance documents referenced in the NPR. EPA is finalizing the limited approval of Rule 323 in order to strengthen the SIP and finalizing the limited disapproval requiring the correction of the remaining deficiencies. These deficiencies include allowance for "equivalent" test methods without EPA review and approval and the lack of a VOC definition in the rule. A detailed discussion of the rule provisions and evaluations has been provided in the NPR and in technical support documents (TSDs) available at EPA's Region IX office (TSD dated July 23, 1992—Rule 323, Architectural Coating Operations).

Response to Public Comments

A 30-day public comment period was provided in 57 FR 45358. EPA did not receive any comments on Rule 323.

EPA Action

EPA is finalizing a limited approval and a limited disapproval of the above-referenced rule. The limited approval of this rule is being finalized under section 110(k)(3) in light of EPA's authority pursuant to section 301(a) to adopt regulations necessary to further air quality by strengthening the SIP. The approval is limited in the sense that the rule strengthens the SIP. However, the rule does not meet the section 182(a)(2)(A) CAA requirement because of the rule deficiencies which were discussed in the NPR. Thus, in order to strengthen the SIP, EPA is granting limited approval of this rule under sections 110(k)(3) and 301(a) of the CAA. This action approves the rule into the SIP as a federally enforceable rule.

At the same time, EPA is finalizing the limited disapproval of this rule because it contains deficiencies that have not been corrected as required by section 182(a)(2)(A) of the CAA, and, as such, the rule does not fully meet the requirements of Part D of the Act. As stated in the NPR, upon the effective date of this NFR, the 18 month clock for sanctions and the 24 month FIP clock will begin. Sections 179(a) and 110(c). If the State does not submit the required corrections and EPA does not approve the submittal within 18 months of the NFR, either the highway sanction or the offset sanction will be imposed at the 18 month mark. It should be noted that the rule covered by this NFR has been adopted by the SBCAPCD and is currently in effect in the Santa Barbara County. EPA's limited disapproval action in this NFR does not prevent the SBCAPCD or EPA from enforcing this rule.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any state implementation plan. Each request for revision to the state implementation plan shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

Regulatory Process

This action has been classified as a Table 2 Action by the Regional Administrator under the procedures published in the **Federal Register** on January 19, 1989 (54 FR 2214–2225). On January 6, 1989, the Office of Management and Budget (OMB) waived Table 2 and Table 3 SIP revisions from the requirement of section 3 of Executive Order 12291 for a period of two years. U.S. EPA has submitted a request for a permanent waiver for Table 2 and Table 3 SIP revisions. The OMB has agreed to continue the waiver until such time as it rules on U.S. EPA's request. This request continues in effect under Executive Order 12866 which superseded Executive Order 12291 on September 30, 1993.

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by February 18, 1994. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements (see section 307(b)(2)).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements.

Note: Incorporation by reference of the State Implementation Plan for the State of California was approved by the Director of the Federal Register on July 1, 1982.

Dated: October 28, 1993.

Felicia Marcus,

Regional Administrator.

Part 52, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401–7671q.

Subpart F—California

2. Section 52.220 is amended by adding paragraph (c)(182)(i)(D) to read as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *

(182) * * *

(i) * * *

(D) Santa Barbara County Air Pollution Control District.

(*1*) Amended Rule 323, adopted on February 20, 1990.

* * * * *

[FR Doc. 93–30956 Filed 12–17–93; 8:45 am]

BILLING CODE 6560-50-P

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40 CFR Part 52

[CA 37–7–6059; FRL–4801–2]

Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision; South Coast Air Quality Management District; Santa Barbara County Air Pollution Control District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rulemaking.

SUMMARY: EPA is finalizing limited approvals and limited disapprovals of two rule revisions to the California State Implementation Plan (SIP) proposed in the **Federal Register** on July 9, 1993. The revisions concern rules from the following districts: South Coast Air Quality Management District (SCAQMD), and Santa Barbara County Air Pollution Control District (SBCAPCD). This final action will incorporate these rules into the federally approved SIP. The intended effect of finalizing this action is to regulate emissions of volatile organic compounds (VOCs) in accordance with the requirements of the Clean Air Act, as amended in 1990 (CAA or the Act). The revised rules control VOC emissions from motor vehicle assembly line and motor vehicle refinishing coating operations. Thus, EPA is finalizing a limited approval of these revisions into the California SIP under CAA provisions regarding EPA action on SIP submittals and general rulemaking authority because these revisions strengthen the SIP. EPA is also finalizing a limited disapproval of these rules under provisions of the CAA cited above because these rules contain deficiencies, and as a result, do not meet the CAA provisions regarding plan submissions and requirements for nonattainment areas. As a result of this limited disapproval EPA will be required to impose highway funding or emission offset sanctions under the CAA unless the State submits and EPA approves corrections to the identified deficiencies within 18 months of the effective date of this disapproval. Moreover, EPA will be required to promulgate a Federal implementation plan (FIP) unless the deficiencies are corrected within 24 months of the effective date of this disapproval.

EFFECTIVE DATE: This action is effective on January 19, 1994.

ADDRESSES: Copies of the rule revisions and EPA's evaluation report for each rule are available for public inspection at EPA's Region 9 office during normal business hours. Copies of the submitted rule revisions are available for inspection at the following locations:

Rulemaking Section II (A–5–3), Air and Toxics Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105.

Environmental Protection Agency, Jerry Kurtzweg ANR 443, 401 "M" Street, SW., Washington, DC 20460.

California Air Resources Board, Stationary Source Division, Rule Evaluation Section, 2020 "L" Street, Sacramento, CA 95812.

South Coast Air Quality Management District,21865 East Copley Drive, Diamond Bar, CA 91765–4182.

Santa Barbara Air Pollution Control District, 26 Castilian Drive, B–23, Goleta, CA 93117.

FOR FURTHER INFORMATION CONTACT: Chris Stamos, Rulemaking Section II (A–5–3), Air and Toxics Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105, Telephone: (415) 744–1187.

SUPPLEMENTARY INFORMATION:

Background

On July 9, 1993 at 58 FR 36905 EPA proposed granting limited approval and limited disapproval of the following rules into the California SIP: SCAQMD Rule 1115, Motor Vehicle Assembly Line Coating Operations, and SBCAPCD Rule 339, Motor Vehicle and Mobile Equipment Coating Operations. Rule 1115 was adopted by the South Coast Air Quality Management District (SCAQMD) on March 6, 1992. This rule was submitted by the California Air Resources Board (CARB) to EPA on September 14, 1992. Rule 339 was adopted by the Santa Barbara County Air Pollution Control District (SBCAPCD) on November 5, 1991. This rule was submitted by the CARB to EPA on June 19, 1992. These rules were submitted in response to EPA's 1988 SIP Call and the CAA section 182(a)(2)(A) requirement that nonattainment areas fix their reasonably available control technology (RACT) rules for ozone in accordance with EPA guidance that interpreted the requirements of the pre amendment Act. A detailed discussion of the background for each of the above rules and nonattainment areas is provided in the notice of proposed rulemaking (NPR) cited above.

EPA has evaluated the above rules for consistency with the requirements of the CAA and EPA regulations and EPA's interpretation of these requirements as expressed in the various EPA policy guidance documents referenced in the NPR. EPA is finalizing the limited approval of these rules in order to strengthen the SIP and finalizing the limited disapproval requiring the correction of the remaining deficiencies. These deficiencies are related to rule applicability, recordkeeping requirements, VOC limits (Rule 1115), executive officer's discretion in determining test methods (Rule 339), and insufficient test method references for determining transfer efficiencies. A detailed discussion of the rule provisions and evaluations has been provided in the NPR and in technical support documents (TSDs) available at EPA's Region IX office (Technical Support Document for SCAQMD's Rule 1115, and SBCAPCD's Rule 339—dated 4/12/93).

Response to Public Comments

A 30-day public comment period was provided at 58 FR 36905. EPA received no comment letters on the NPR.

EPA Action

EPA is finalizing a limited approval and a limited disapproval of the above-referenced rules. The limited approval of these rules is being finalized under section 110(k)(3) in light of EPA's authority pursuant to section 301(a) to adopt regulations necessary to further air quality by strengthening the SIP. The approval is limited in the sense that the rules strengthen the SIP. However, the rules do not meet the section 182(a)(2)(A) CAA requirement because of the rule deficiencies, which were discussed in the NPR. Thus, in order to strengthen the SIP, EPA is granting limited approval of these rules under sections 110(k)(3) and 301(a) of the CAA. This action approves the rules into the SIP as federally enforceable rules.

At the same time, EPA is finalizing the limited disapproval of these rules because they contain deficiencies that have not been corrected as required by section 182(a)(2)(A) of the CAA, and, as such, the rules do not fully meet the requirements of part D of the Act. As stated in the NPR, upon the effective date of this final rulemaking, the 18 month clock for sanctions and the 24 month FIP clock will begin. Sections 179(a) and 110(c). If the State does not submit the required corrections and EPA does not approve the submittal within 18 months of the final rulemaking, either the highway sanction or the offset sanction will be imposed at the 18 month mark. It should be noted that the rules covered by this final rulemaking have been adopted by SCAQMD and SBCAPCD and are currently in effect in the SCAQMD and in the SBCAPCD. EPA's limited disapproval action in this final rulemaking does not prevent SCAQMD, SBCAPCD, or EPA from enforcing these rules.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any state implementation plan. Each request for revision to the state implementation plan shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

Regulatory Process

This action has been classified as a Table 2 action (because EPA did not receive comment letters on the NPR) by the Regional Administrator under the procedures published in the **Federal Register** on January 19, 1989 (54 FR 2214–2225). OnJanuary 6, 1989, the Office of Management and Budget waived Table 2 and Table 3 SIP revisions (54 FR 2222) from the requirements of section 3 of Executive Order 12291 for a period of two years. EPA has submitted a request for a permanent waiver for Table 2 and Table 3 SIP revisions. The OMB has agreed to continue the waiver until such time as it rules on EPA's request. This request continues in effect under Executive Order 12866 which superseded Executive Order 12291 on September 30, 1993.

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by [insert date 60 days from date of publication]. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements (see section 307(b)(2)).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements.

Note: Incorporation by reference of the State Implementation Plan for the State of California was approved by the Director of the Federal Register on July 1, 1982.

Dated: November 3, 1993.

Felicia Marcus,

Regional Administrator.

Title 40 of the Code of Federal Regulations, part 52, is amended as follows:

PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401–7671q.

Subpart F—California

2. Section 52.220 is amended by adding paragraphs (c) (188) and (189) to read as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *

(188) New and amended regulations for the following APCDs were submitted on June 19, 1992, by the Governor's designee.

(i) Incorporation by reference.

(A) Santa Barbara County Air Pollution Control District.

(*1*) Rule 339, adopted on November 5, 1991.

(189) New and amended regulations for the following APCDs were submitted on September 14, 1992, by the Governor's designee.

(i) Incorporation by reference.

(A) South Coast Air Quality Management District.

(*1*) Rule 1115, adopted on March 6, 1992.

[FR Doc. 93-30949 Filed 12-17-93; 8:45 am]

BILLING CODE 6560-50-F

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40 CFR Part 52

[CA 37-7-6060; FRL-4801-3]

Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision; San Bernardino County Air Pollution Control District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rulemaking.

SUMMARY: EPA is finalizing a limited approval and a limited disapproval of a rule revision to the California State Implementation Plan (SIP) proposed in the **Federal Register** on May 12, 1993. The revision concerns a rule from the San Bernardino County Air Pollution Control District (SBCAPCD). This final action will incorporate this rule into the federally approved SIP. The intended effect of finalizing this action is to regulate emissions of volatile organic compounds (VOCs) in accordance with the requirements of the Clean Air Act, as amended in 1990 (CAA or the Act). The revised rule controls VOC emissions from the refinishing of automobiles. Thus, EPA is finalizing a limited approval of this revision into the California SIP under CAA provisions regarding EPA action on SIP submittals and general rulemaking authority because this revision strengthens the SIP. EPA is also finalizing a limited disapproval of this rule under provisions of the CAA cited above because the rule contains deficiencies, and as a result, does not meet the CAA provisions regarding plan submissions and requirements for nonattainment areas. As a result of this limited disapproval EPA will be required to impose highway funding or emission offset sanctions under the CAA unless the State submits and EPA approves corrections to the identified deficiencies within 18 months of the effective date of this disapproval. Moreover, EPA will be required to promulgate a Federal implementation plan (FIP) unless the deficiencies are corrected within 24 months of the effective date of this disapproval.

EFFECTIVE DATE: This action is effective on January 19, 1994.

ADDRESSES: Copies of the rule revision and EPA's evaluation report for Rule 1116 are available for public inspection at EPA's Region 9 office during normal business hours. Copies of the submitted rule revision are available for inspection at the following locations:

Rulemaking Section II (A-5-3), Air and Toxics Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105.

Environmental Protection Agency, Jerry Kurtzweg ANR 443, 401 "M" Street, SW., Washington, DC 20460.

California Air Resources Board, Stationary Source Division, Rule Evaluation Section, 2020 "L" Street, Sacramento, CA 92123-1095.

Mojave Desert Air Quality Management District,15428 Civic Drive, Victorville, California 92392.

FOR FURTHER INFORMATION CONTACT: Chris Stamos, Rulemaking Section II (A-5-3), Air and Toxics Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105. Telephone: (415) 744-1187.

SUPPLEMENTARY INFORMATION:

Background

On May 12, 1993 at 58 FR 27971, EPA proposed granting limited approval and limited disapproval of the following rule into the California SIP: SBCAPCD Rule 1116, Automotive Refinishing Operations. Rule 1116 was adopted by SBCAPCD on March 2, 1992. This rule was submitted by the California Air Resources Board (CARB) to EPA on June 19, 1992. This rule was submitted in response to EPA's 1988 SIP Call and the CAA section 182(a)(2)(A) requirement that nonattainment areas fix their reasonably available control technology rules (RACT) for ozone in accordance with EPA guidance that interpreted the requirements of the pre-amendment Act. A detailed discussion of the background for the above rule and nonattainment area is provided in the notice of proposed rulemaking (NPR) cited above.

EPA has evaluated the above rule for consistency with the requirements of the CAA and EPA regulations and EPA's interpretation of these requirements as expressed in the various EPA policy guidance documents referenced in the NPR. EPA is finalizing the limited approval of this rule in order to strengthen the SIP and finalizing the limited disapproval requiring the correction of the remaining deficiencies. These deficiencies include allowing the Air Pollution Control Officer discretion in choosing equivalent test methods for compliance determinations, failing to require recordkeeping requirements for exempt facilities, and containing an inadequate rule applicability section. A detailed discussion of the rule provisions and evaluations has been provided in the NPR and in a technical support document (TSD) available at EPA's Region IX office (TSD dated January 25, 1993-SBCAPCD Rule 1116).

Response to Public Comments

A 30-day public comment period was provided at 58 FR 27971. EPA received no comment letters on the NPR.

EPA Action

EPA is finalizing a limited approval and a limited disapproval of the above-referenced rule. The limited approval of this rule is being finalized under section 110(k)(3) in light of EPA's authority pursuant to section 301(a) to adopt regulations necessary to further air quality by strengthening the SIP. The approval is limited in the sense that the rule strengthens the SIP. However, the rule does not meet the section 182(a)(2)(A) CAA requirement because of the rule deficiencies which were discussed in the NPR. Thus, in order to strengthen the SIP, EPA is granting limited approval of this rule under sections 110(k)(3) and 301(a) of the CAA. This action approves the rule into the SIP as a federally enforceable rule.

At the same time, EPA is finalizing the limited disapproval of this rule because it contains deficiencies that have not been corrected as required by section 182(a)(2)(A) of the CAA, and, as such, the rule does not fully meet the requirements of Part D of the Act. As stated in the NPR, upon the effective date of this final rulemaking, the 18 month clock for sanctions and the 24 month FIP clock will begin. Sections 179(a) and 110(c). If the State does not submit the required corrections and EPA does not approve the submittal within 18 months of the final rulemaking, either the highway sanction or the offset sanction will be imposed at the 18 month mark. It should be noted that the rule covered by this final rulemaking has been adopted by the SBCAPCD and is currently in effect in the SBCAPCD. EPA's limited disapproval action in this final rulemaking does not prevent SBCAPCD or EPA from enforcing this rule.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any state implementation plan. Each request for revision to the state implementation plan shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

Regulatory Process

This action has been classified as a Table 2 action by the Regional Administrator under the procedures published in the **Federal Register** on January 19, 1989 (54 FR 2214-2225). On January 6, 1989, the Office of Management and Budget waived Table 2 and Table 3 SIP revisions (54 FR 2222) from the requirements of section 3 of Executive Order 12291 for a period of two years. EPA has submitted a request for a permanent waiver for Table 2 and Table 3 SIP revisions. The OMB has agreed to continue the waiver until such time as it rules on EPA's request. This request continues in effect under Executive Order 12866 which superseded Executive Order 12291 on September 30, 1993.

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by February 18, 1994. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements (see section 307(b)(2)).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements.

Note: Incorporation by reference of the State Implementation Plan for the State of California was approved by the Director of the Federal Register on July 1, 1982.

Dated: October 28, 1993.

Felicia Marcus,

Regional Administrator.

Title 40 of the Code of Federal Regulations, part 52, is amended as follows:

PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401-7671q.

Subpart F—California

2. Section 52.220 is amended by adding paragraph (c) (188)(i)(B) to read as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *

(188) * * *

(i) * * *

(B) San Bernardino County Air Pollution Control District.

(*1*) Rule 1116, adopted on March 2, 1992.

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[FR Doc. 93–30950 Filed 12–17–93; 8:45 am]

BILLING CODE 6560–50–F

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40 CFR Part 52

[CA 57–4–6098; FRL–4812–6]

Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision; South Coast Air Quality Management District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rulemaking.

SUMMARY: EPA is finalizing limited approvals and limited disapprovals of five rule revisions to the California State Implementation Plan (SIP) proposed in the Federal Register on August 30, 1993 and on September 10, 1993. The revisions concern rules from the South Coast Air Quality Management District (SCAQMD). This final action will incorporate these rules into the federally approved SIP. The intended effect of finalizing this action is to regulate emissions of volatile organic compounds (VOCs) in accordance with the requirements of the Clean Air Act, as amended in 1990 (CAA or the Act). The revised rules control VOC emissions from coating operations for marine vessels, metal parts and products, magnet wire, and motor vehicle non-assembly lines and from solvent cleaning operations. Thus, EPA is finalizing a limited approval of these revisions into the California SIP under CAA provisions regarding EPA action on SIP submittals and general rulemaking authority because these revisions strengthen the SIP. EPA is also finalizing a limited disapproval of these rules under provisions of the CAA cited above because these rules contain deficiencies, and as a result, do not meet the CAA provisions regarding plan submissions and requirements for nonattainment areas. These deficiencies are related to inadequate recordkeeping requirements, insufficient test method references, the presence of Executive Officer discretion and control device equivalency in the rule, VOC limits inconsistent with CTG specifications, and missing rule applicability sections. As a result of this limited disapproval EPA will be required to impose highway funding or emission offset sanctions under the CAA unless the State submits and EPA approves corrections to the identified deficiencies within 18 months of the effective date of this disapproval. Moreover, EPA will be required to promulgate a Federal implementation plan (FIP) unless the deficiencies are corrected within 24 months of the effective date of this disapproval.

EFFECTIVE DATE: This action is effective on January 19, 1994.

ADDRESSES: Copies of the rule revisions and EPA's evaluation report for each rule are available for public inspection at EPA's Region 9 office during normal business hours. Copies of the submitted rule revisions are available for inspection at the following locations:

California Air Resources Board, Stationary Source Division,Rule Evaluation Section, 2020 L Street, Sacramento, CA 95814.

Environmental Protection Agency, Jerry Kurtzweg ANR 443, 401 "M" Street, SW., Washington, DC 20460.

South Coast Air Quality Management District, 21865 East Copley Drive, Diamond Bar, CA 91765–4182.

Rulemaking Section II (A–5–3), Air and Toxics Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105.

FOR FURTHER INFORMATION CONTACT: Chris Stamos, Rulemaking Section II (A–5–3), Air and Toxics Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105. Telephone: (415) 744–1187.

SUPPLEMENTARY INFORMATION:

Background

On August 30, 1993, at 58 FR 45469, and on September 10, 1993, at 58 FR 47705, EPA proposed granting limited approval and limited disapproval of the following SCAQMD rules into the California SIP: Rule 1106, Marine Coating Operations; Rule 1107, Miscellaneous Metal Parts and Products Coating Operations; Rule 1126, Magnet Wire Coating Operations; Rule 1151, Motor Vehicle Non-Assembly Line Coating Operations; and Rule 1171, Solvent Cleaning. Rules 1106, 1107 and 1171 were all adopted by SCAQMD on August 2, 1991. Rule 1126 was adopted by SCAQMD on March 6, 1992, and Rule 1151 was adopted by SCAQMD on September 6, 1991. Rules 1106, 1107, and 1151 were submitted by the California Air Resources Board (CARB) to EPA on May 13, 1993. Rule 1126 was submitted by CARB to EPA on September 14, 1992, and Rule 1171 on June 19, 1992. These rules were submitted in response to EPA's 1988 SIP Call and the CAA section 182(a)(2)(A) requirement that nonattainment areas fix their Reasonably Available Control Technology (RACT) rules for ozone in accordance with EPA guidance that interpreted the requirements of the pre-amendment Act. A detailed discussion of the background for each of the above rules and nonattainment areas is provided in the notice of proposed rulemakings (NPRs) cited above.

EPA has evaluated all of the above rules for consistency with the requirements of the CAA and EPA regulations and EPA's interpretation of these requirements as expressed in the various EPA policy guidance documents referenced in the NPRs. EPA is finalizing the limited approval of these rules in order to strengthen the SIP and finalizing the limited disapproval requiring the correction of the remaining deficiencies. These deficiencies are related to recordkeeping requirements, test method references, Executive Officer discretion, control device equivalency, VOC limits, and rule applicability. A detailed discussion of the rule provisions and evaluations has been provided in the NPRs and in technical support documents (TSDs) available at EPA's Region IX office (TSDs all dated April 12, 1993).

Response to Public Comments

A 30-day public comment period was provided in the **Federal Register** and EPA received no comment letters on the NPRs cited above.

EPA Action

EPA is finalizing a limited approval and a limited disapproval of the above-referenced rules. The limited approval of these rules is being finalized under section 110(k)(3) in light of EPA's authority pursuant to section 301(a) to adopt regulations necessary to further air quality by strengthening the SIP. The approval is limited in the sense that the rules strengthen the SIP. However, the rules do not meet the section 182(a)(2)(A) CAA requirement because of the rule deficiencies which were discussed in the NPRs. Thus, in order to strengthen the SIP, EPA is granting limited approval of these rules under sections 110(k)(3) and 301(a) of the CAA. This action approves the rules into the SIP as federally enforceable rules.

At the same time, EPA is finalizing the limited disapproval of these rules because they contain deficiencies that have not been corrected as required by section 182(a)(2)(A) of the CAA, and, as such, the rules do not fully meet the requirements of part D of the Act. As stated in the NPRs, upon the effective date of this final rulemaking, the 18 month clock for sanctions and the 24 month FIP clock will begin. Sections 179(a) and 110(c). If the State does not submit the required corrections and EPA does not approve the submittal within 18 months of the final rulemaking, either the highway sanction or the offset sanction will be imposed at the 18 month mark. It should be noted that the rules covered by this final rulemaking have been adopted by the SCAQMD and are currently in effect in the SCAQMD. EPA's limited disapproval action in this final rulemaking does not prevent SCAQMD or EPA from enforcing these rules.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any state implementation plan. Each request for revision to the state implementation plan shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

Regulatory Process

This action has been classified as a Table 3 action by the Regional Administrator under the procedures published in the **Federal Register** on January 19, 1989 (54 FR 2214–2225). EPA has submitted a request for a permanent waiver for Table 2 and Table 3 SIP revisions. The OMB has agreed to continue the waiver until such time as it rules on EPA's request. This request continues in effect under Executive Order 12866 which superseded Executive Order 12291 on September 30, 1993.

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by February 18, 1994. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements (see section 307(b)(2)).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements.

Note: Incorporation by reference of the State Implementation Plan for the State of California was approved by the Director of the **Federal Register** on July 1, 1982.

Dated: November 24, 1993.

John Wise,

Acting Regional Administrator.

Title 40 of the Code of Federal Regulations, part 52, is amended as follows:

PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401–7671q.

Subpart F—California

2. Section 52.220 is amended by adding paragraphs (c) (188)(i)(C), (189)(i)(A)(*2*), adding and reserving paragraphs (c)(190), (191) and (192), and adding paragraph (193) to read as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *

(188) * * *

(i) * * *

(C) South Coast Air Quality Management District.

(*1*) Rule 1171, adopted on August 2, 1991.

(189) * * *

(i) * * *

(A) * * *

(*2*) Rule 1126, adopted on March 6, 1992.

(190) [Reserved]

(191) [Reserved]

(192) [Reserved]

(193) New and Amended regulations for the following APCDs were submitted on May 13, 1993, by the Governor's designee.

(i) Incorporation by reference.

(A) South Coast Air Quality Management District.

(*1*) Rule 1106, adopted on August 2, 1991; Rule 1107, adopted on August 2, 1991; and Rule 1151, adopted on September 6, 1991.

[FR Doc. 93-30948 Filed 12-17-93; 8:45 am]

BILLING CODE 6560-50-F

40 CFR Part 52

[CA 38-8-6097; FRL-4812-8]

Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision; South Coast Air Quality Management District (SCAQMD); Ventura County Air Pollution Control District (VCAPCD)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rulemaking.

SUMMARY: EPA is finalizing the approval of revisions to the California State Implementation Plan (SIP) proposed in the **Federal Register** on August 30, 1993. The revisions concern rules from the South Coast Air Quality Management District (SCAQMD) and the Ventura County Air Pollution Control District (VCAPCD). This approval action will incorporate these rules into the federally approved SIP. The intended effect of approving these rules is to regulate emissions of volatile organic compounds (VOCs) in accordance with the requirements of the Clean Air Act, as amended in 1990 (CAA or the Act). The revised rules control VOC emissions from a variety of coating operations (plastic, rubber, glass, paper, fabric, film, motor vehicle and mobile equipment coating opeations) and from resin manufacturing. Thus, EPA is finalizing the approval of these revisions into the California SIP under provisions of the CAA regarding EPA action on SIP submittals, SIPs for national primary and secondary ambient air quality standards and plan requirements for nonattainment areas.

EFFECTIVE DATE: This action is effective on January 19, 1994.

ADDRESSES: Copies of the rule revisions and EPA's evaluation report for each rule are available for public inspection at EPA's Region IX office during normal business hours. Copies of the submitted rule revisions are available for inspection at the following locations:

Rulemaking Section II (A-5-3), Air and Toxics Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105.

California Air Resources Board, Stationary Source Division,Rule Evaluation, 2020 "L" Street, Sacramento, CA 95814.

South Coast Air Quality Management District, 21865 East Copley Drive, Diamond Bar, CA 91765-4182.

Ventura County Air Pollution Control District,702 County Square Drive, Ventura, CA 93003.

FOR FURTHER INFORMATION CONTACT: Chris Stamos Rulemaking Section II (A–5–3), Air and Toxics Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105. Telephone: (415) 744–1187

SUPPLEMENTARY INFORMATION:

Background

On August 30, 1993 at 58 FR 45471–45476, EPA proposed to approve the following rules into the California SIP: SCAQMD's Rule 1145, Plastic, Rubber, and Glass Coating Operations; Rule 1128, Paper, Fabric, and Film Coating Operations; Rule 1141, Control of Volatile Organic Compound Emissions from Resin Manufacturing—and VCAPCD's Rule 74.18, Motor Vehicle and Mobile Equipment Coating Operations. Rule 1145 was adopted by the SCAQMD on January 10, 1992; Rule 1128 was adopted by the SCAQMD on February 7, 1992; Rule 1141 was adopted by the SCAQMD on April 3, 1992; and Rule 74.18 was adopted by the VCAPCD on January 28, 1992. Rule 1145 was submitted by the California Air Resources Board (CARB) to EPA on January 11, 1993; Rules 1128 and 1141 were submitted by CARB on September 14, 1992; and Rule 74.18 was submitted by CARB on June 19, 1992. These rules were submitted in response to EPA's 1988 SIP-Call and the CAA section 182(a)(2)(A) requirement that nonattainment areas fix their reasonably available control technology (RACT) rules for ozone in accordance with EPA guidance that interpreted the requirements of the pre-amendment Act. A detailed discussion of the background for each of the above rules and nonattainment areas is provided in the NPRs cited above.

EPA has evaluated all of the above rules for consistency with the requirements of the CAA and EPA regulations and EPA interpretation of these requirements as expressed in the various EPA policy guidance documents referenced in the NPRs cited above. EPA has found that the rules meet the applicable EPA requirements. A detailed discussion of the rule provisions and evaluations has been provided at 58 FR 45471–45476 and in technical support documents (TSDs) available at EPA's Region IX office (TSDs dated April 12, 1993, April 30, 1993, and April 26, 1993).

Response to Comments

A 30-day public comment period was provided in the **Federal Register** and EPA received no comments.

EPA Action

EPA is finalizing action to approve the above rules for inclusion into the California SIP. EPA is approving the submittal under section 110(k)(3) as meeting the requirements of section 110(a) and part D of the CAA. This approval action will incorporate these rules into the federally approved SIP. The intended effect of approving these rules is to regulate emissions of VOCs in accordance with the requirements of the CAA.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any state implementation plan. Each request for revision to the state implementation plan shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

Regulatory Process

This action has been classified as a Table 3 action by the Regional Administrator under the procedures published in the **Federal Register** on January 19, 1989 (54 FR 2214–2225). EPA has submitted a request for a permanent waiver for Table 2 and Table 3 SIP revisions. The OMB has agreed to continue the waiver until such time as it rules on EPA's request. This request continues in effect under Executive Order 12866 which superseded Executive Order 12291 on September 30, 1993.

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by February 18, 1994. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements.

Note: Incorporation by reference of the State Implementation Plan for the State of California was approved by the Director of the **Federal Register** on July 1, 1982.

Dated: November 24, 1993.

John Wise,

Acting Regional Administrator.

Title 40 of the Code of Federal Regulations, part 52, is amended as follows:

PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401–7671q.

Subpart F—California

2. Section 52.220 is amended by adding paragraphs (c) (188)(i)(D), (189)(i)(A)(*3*), and (191) to read as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *

(188) * * *

(i) * * *

(D) Ventura County Air Pollution Control District.

(*1*) Rule 74.18, adopted on January 28, 1992.

(189) * * *

(i) * * *

(A) * * *

(*3*) Rule 1128, adopted on February 7, 1992, and Rule 1141, adopted on April 3, 1992.

* * * * *

(191) New and amended regulations for the following APCDs were submitted on January 11, 1993, by the Governor's designee.

(i) Incorporation by reference.

(A) South Coast Air Quality Management District.

(*1*) Rule 1145, adopted on January 10, 1992.

* * * * *

[FR Doc. 93-30952 Filed 12-17-93; 8:45 am]

BILLING CODE 6560-50-F

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40 CFR Part 63

[AD–FRL–4816–6]

National Emission Standards for Hazardous Air Pollutants for Source Categories: Perchloroethylene Dry Cleaning Facilities; Amendments

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This action makes several amendments to the national emission standards for hazardous air pollutants (NESHAP) for perchloroethylene (PCE) dry cleaning facilities promulgated in the **Federal Register** on September 22, 1993 (58 FR 49354). This action:

(1) Corrects a typographical error regarding repair of PCE dry cleaning equipment leaks;

(2) Extends the time for reporting information to EPA; and

(3) Deletes the requirement of having reports submitted to EPA certified before a notary public.

EFFECTIVE DATE: December 20, 1993.

ADDRESSES: *Docket.* All information used in the development of this final action is contained in the preamble below. However, Docket No. A-88-11, containing the supporting information for the original NESHAP, is available for public inspection and copying between 8:30 a.m. and 3:30 p.m., Monday through Friday, at EPA's Air Docket Section, Waterside Mall, room M-1500, 1st floor, 401 M Street SW., Washington, DC 20460. A reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Mr. George Smith at (919) 541-1549 or Mr. Fred Porter at (919) 541-5251, Standards Development Branch, Emission Standards Division (MD-13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711.

SUPPLEMENTARY INFORMATION: The information presented in this preamble is organized as follows:

I. Background
II. Summary of and Rationale for Rule Changes
A. PCE Dry Cleaning Equipment Leaks
B. Extension for Initial Reporting Time
C. Deletion of Certification Before Notary Public
D. Effective Date
E. Judicial Review
III. Administrative Requirements
A. Paperwork Reduction Act
B. Executive Order 12866 Review
C. Regulatory Flexibility Act

I. Background

This action amends §§ 63.320 and 63.324 of subpart M of 40 CFR part 63. These sections deal with the applicability, definitions, and recordkeeping and reporting requirements for the NESHAP for PCE dry cleaning facilities. As published, the final regulation contains a typographical error and reporting requirements that the Administrator now considers unreasonable.

II. Summary of and Rationale for Rule Changes

A. PCE Dry Cleaning Equipment Leaks

The typographical error in the applicability section, § 63.320(c) is evident from the discussion in the preamble to the promulgated NESHAP. Without this correction, existing sources would only be required to find leaks, but would not have to repair them. The NESHAP has been revised to require that sources repair leaks they find.

B. Extension for Initial Reporting Time

The changes made to the recordkeeping and reporting requirements section reflect the Administrator's conclusion that the timeframe for reporting information to EPA are now unreasonable for the majority of PCE dry cleaning facilities. The dry cleaning industry is composed primarily of small businesses. As a consequence, dissemination of information concerning the NESHAP to the dry cleaning industry is proving to be more difficult and time-consuming than anticipated. More time is needed for the dry cleaning industry to become aware of the NESHAP and the information reporting requirements it includes.

The Administrator believes that relaxing the reporting dates will provide affected PCE dry cleaning facilities the additional time they need to respond to these requirements. Therefore, the reporting requirements are extended by 180 days.

The Administrator also believes that the affected PCE dry cleaning facilities need to be given time to become aware of the General Provisions, which will be promulgated in the next several months. The General Provisions are additional regulations that will affect PCE dry cleaning facilities, as they are general to all NESHAP's. The 180 day extension to the information reporting requirements provided in this notice should provide an adequate period for owners or operators of PCE dry cleaning facilities to become aware of those parts of the General Provisions that are applicable to them.

C. Deletion of Certification Before Notary Public

The deletion of the requirement that reports submitted to the Administrator or delegated State authority be certified before notary public reflects the Administrator's concern that this requirement is now unreasonable for the majority of PCE dry cleaning facilities. This requirement is apparently viewed by some dry cleaners as an indication that EPA does not trust them. This is not the case and to prevent any resentment or misunderstandings from arising, this requirement is deleted.

D. Effective Date

The EPA is publishing this rule as a final rule, and it is effective immediately upon publication. The Administrator believes that this action is supported by the "good cause" exception in the Administrative Procedures Act, which permits an agency for "good cause" to proceed directly to a final rule where issuing a proposed rule would be "impracticable, unnecessary, or contrary to the public interest" [5 U.S.C. 553(b)(B)] and for "good cause found" [5 U.S.C. 553(d)] to dispense with the general requirement that a rule be published 30 days before its effective date. The Administrator believes that "good cause" exists here to issue a final, immediately effective rule because of the nearness of the December 20, 1993 initial notification deadline specified in the promulgated NESHAP for PCE Dry Cleaning Facilities. If the changes in this rulemaking were only being proposed, then the December 20, 1993 initial notification deadline would still be in effect and this would negate the intent of the changes of this rulemaking. Furthermore, the Administrator views this action, which delays reporting but not compliance with the actual standards, as noncontroversial.

E. Judicial Review

Under section 307(b)(1) of the Act, judicial review of the actions taken by this final rule is available only by the filing of a petition for review in the U.S. Court of Appeals for the District of Columbia Circuit within 60 days of publication of this action. Under section 307(b)(2) of the Act, the requirements that are the subject of this final rule may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

III. Administrative Requirements

A. Paperwork Reduction Act

The information collection requirements of the previously promulgated NESHAP for PCE Dry Cleaning Facilities were submitted to and approved by the Office of Management and Budget. A copy of this Information Collection Request (ICR) document (OMB control number 2060-0234) may be obtained from Sandy Farmer, Information Policy Branch (PM-223Y); U.S. Environmental Protection Agency; 401 M Street, SW.; Washington, DC 20460 or by calling (202) 260-2740. Today's changes to the NESHAP for PCE Dry Cleaning Facilities do not affect the information collection burden estimates made previously, only the timing of the submittal of the information requested has been affected somewhat. Therefore, the ICR has not been revised.

B. Executive Order 12866 Review

This rule was classified "non-significant" under Executive Order 12866 and, therefore was not reviewed by the Office of Management and Budget.

C. Regulatory Flexibility Act

The Regulatory Flexibility Act of 1980 requires the identification of potentially adverse impacts of federal regulations upon small business entities. The Act specifically requires the completion of a Regulatory Flexibility Analysis in those instances where small business impacts are possible. Because this rulemaking imposes no adverse economic impacts, a Regulatory Flexibility Analysis has not been prepared.

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that this rule will not have a significant economic impact on a substantial number of small business entities.

List of Subjects in 40 CFR Part 63

Environmental protection, Air pollution control, Intergovernmental relations, Reporting and recordkeeping requirements.

Dated: December 13, 1993.

Carol M. Browner,

Administrator.

Title 40, chapter I, part 63, of the Code of Federal Regulations is amended to read as follows:

PART 63—NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR SOURCE CATEGORIES

1. The authority citation for part 63 continues to read as follows:

Authority: 42 U.S.C. 7401, 7412, 7414, 7416, and 7601.

Subpart M—National Perchloroethylene Air Emission Standards for Dry Cleaning Facilities

2. Section 63.320 is amended by revising paragraph (c) to read as follows:

§ 63.320 Applicability.

* * * * *

(c) Each dry cleaning system that commenced construction or reconstruction before December 9, 1991, shall comply with §§ 63.322 (c), (d), (i), (j), (k), (l), and (m), 63.323(d), and 63.324(a), (b), (d)(1), (d)(2), (d)(3), (d)(4), and (e) beginning on December 20, 1993, and shall comply with other provisions of this subpart by September 23, 1996.

* * * * *

3. Section 63.324 is amended by revising the introductory text of paragraphs (a), (b) and (c) to read as follows:

§ 60.324 Reporting and recordkeeping requirements.

(a) Each owner or operator of a dry cleaning facility shall notify the Administrator or delegated State authority in writing within 270 calendar days after September 23, 1993 (i.e., June 18, 1994) and provide the following information:

* * * * *

(b) Each owner or operator of a dry cleaning facility shall submit to the Administrator or delegated State authority by registered mail on or before the 30th day following the compliance dates specified in § 63.320 (b) or (c) or June 18, 1994, whichever is later, a notification of compliance status providing the following information and signed by a responsible official who shall certify its accuracy:

* * * * *

(c) Each owner or operator of an area source dry cleaning facility that exceeds the solvent consumption limit reported in paragraph (b) of this section shall submit to the Administrator or a delegated State authority by registered mail on or before the dates specified in § 63.320 (f) or (i), a notification of compliance status providing the following information and signed by a responsible official who shall certify its accuracy:

* * * * *

[FR Doc. 93-31001 Filed 12-17-93; 8:45 am]

BILLING CODE 6560-50-P

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40 CFR Part 86

[AMS-FRL-4781-3]

Certification Testing and Selective Enforcement Audit Testing Waivers for On-Highway Heavy-Duty Diesel Engine Smoke Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: This final rule establishes the availability of waivers from certain testing requirements associated with on-highway heavy-duty diesel engine (HDDE) smoke standards. For engines with particulate matter (PM) emissions certification levels at or below 0.10 grams per brake horsepower hour (g/bhp-hr), waivers will be available for certification smoke testing beginning with model year 1994 and for smoke testing during selective enforcement audit testing beginning with model year 1995. Beginning in model year 1997, smoke testing waivers will be available for both certification and selective enforcement audit testing for engines with PM certification levels at or below 0.25 g/bhp-hr. These waivers are being made available under section 206(a) and (b) of the Clean Air Act in order to avoid an unnecessary testing burden on heavy-duty diesel engine manufacturers.

DATES: This action will be effective February 18, 1994 unless notice is received by January 19, 1994 that adverse or critical comments will be submitted.

ADDRESSES: Interested parties may submit written comments (in duplicate, if possible) to Public Docket No. A-93-35, at: Air Docket Section, U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460.

Materials relevant to this final rule have been placed in Docket No. A-93-35 by EPA. The docket is located at the above address in room M-1500, Waterside Mall (ground floor), and may be inspected between 8:30 a.m. and noon, and between 1:30 and 3:30 p.m. on weekdays. EPA may charge a reasonable fee for copying docket materials.

FOR FURTHER INFORMATION CONTACT: Mr. Christopher Lieske, Regulation Development and Support Division, U.S. Environmental Protection Agency, 2565 Plymouth Road, Ann Arbor, Michigan, 48105: phone (313) 668-4584.

SUPPLEMENTARY INFORMATION:

I. Background

EPA's Certification Program is a major component of the agency's regulatory program to ensure compliance with motor vehicle emission standards. Before a new heavy-duty engine may be introduced into commerce, the manufacturer must first obtain a certificate of conformity from EPA. EPA issues such certificates only after the manufacturer demonstrates that the engine will meet federal emission standards. EPA has detailed regulations governing what information must be submitted to support an application for a certificate, including provisions requiring the testing of engines. A manufacturer typically tests a single engine from each engine family and the test data is submitted to EPA showing that the engine meets all applicable emissions standards. EPA may perform confirmatory testing on that engine. If all the certification requirements are met, a certificate is issued and the new engines may be introduced into commerce.

The Selective Enforcement Audit (SEA) Program is another component in

EPA's program to ensure compliance with motor vehicle emissions standards. In this program, EPA requires manufacturers to emission test new engines selected from the production line. If production engines are found not to comply, EPA may suspend or revoke the certificate of conformity for that engine model. These two programs help to ensure that engines meet the applicable standards when sold and operated in use. A third major component of EPA's motor vehicle emissions control program involves in-use emissions testing by EPA of selected engine families. If an engine family is found not to comply in use, although the engines have been properly maintained and used, EPA may require that the manufacturer recall the engines and remedy the problems.

Under current EPA regulations for the Certification and SEA programs, heavy-duty engine manufacturers must typically submit test data obtained using the Federal Test Procedure (FTP) for all regulated pollutants, and thereby demonstrate compliance with the emissions standards. For certain emissions test data, however, the Administrator may waive the requirement that FTP test results be submitted, and instead may allow the manufacturer to demonstrate compliance with the standards on the basis of previous emissions tests, development tests, or other information. EPA has typically granted such waivers in cases where there is evidence that clearly indicates that the emissions levels of new engines are expected to be significantly below the standards.

Manufacturers typically submit a request for a waiver in writing with the application for engine certification, along with verification that the waivers are appropriate for the engine family or families at issue. Generally, the manufacturer is required to show (on the basis of previous emission tests, development tests or other information) that the engine is expected to pass the standard for which a measurement waiver is requested.

EPA currently has the regulatory authority to grant such a waiver for submission of FTP emission data on idle carbon monoxide (CO) emissions, CO emissions, or particulate matter (PM) emissions for methanol-fueled diesel certification engines. EPA may also grant such a waiver for submission of CO emissions data from petroleum-fueled diesel certification engines. (See 40 CFR 86.094–23(c)(2).) There is currently no corresponding regulatory authority for the Administrator to waive submissions of such data regarding HDDEs during SEA testing.

It is important to note that a testing waiver does not relieve the manufacturer of the responsibility to comply with the emissions standards during certification, selective enforcement audits, or in use. Testing waivers only allow a manufacturer to forego actual measurement of the specified emissions during certification or SEA testing. It is a waiver of the requirement to submit certain test data to EPA, not a waiver of compliance with the standard itself. In addition, the receipt of a waiver for one test program would not imply that testing will not be required in other testing programs to determine compliance with the standards.

II. Smoke and PM Emissions Data

Petroleum-fueled diesel engines are prone to the production of PM due to the nature of the diesel combustion process. Diesel PM is primarily carbonaceous material, hydrocarbons, and sulfate aerosols coming from unburned and partially-burned fuel and lubrication oil. The amount of visible PM, commonly referred to as smoke, is dependent on both the size and concentration of the particulates. An engine with little smoke may still have high PM levels if the particulate is relatively small in size. (Smaller PM, 10 microns or smaller, can penetrate the lungs where it may be deposited and cause adverse health effects. A draft EPA health assessment has classified PM as a probable human carcinogen.)[1] However, as PM is reduced to the very low levels required by new standards, smoke levels also tend to decrease to levels well below the smoke standards, as is discussed below.

EPA's first efforts to regulate particulate emissions from diesel engines were through smoke standards. The first smoke standards for HDDEs took effect with the 1973 model year (37 FR 24293, November 15, 1972). These standards established limits on exhaust percent opacity during acceleration (40 percent) and lugging (20 percent) modes. (Lugging is performed by using the engine dynamometer to reduce the engine speed while operating under wide open throttle and maximum horsepower conditions. This simulate a vehicle climbing a hill.) These standards were revised in 1975 and set at their present levels: 20 percent opacity during acceleration, 15 percent during lugging, and a 50 percent maximum peak opacity limit during either mode (40 FR 27576, June 30, 1975).

In 1985, the Agency promulgated a series of PM emission standards for HDDEs, based on the mass of exhaust PM collected on a filter over the heavy-duty engine FTP. The first PM standard applied to 1988 and later model year engines (50 FR 10606, March 15, 1985) and was further reduced for the 1991, 1993 (buses only), and 1994 model years. EPA recently established PM standards for HDDEs used in urban buses that are more stringent than the PM standards for other HDDEs (58 FR 15781, March 24, 1993). Table 1 shows the PM standards that apply to HDDEs used in urban buses and other HDDEs.

TABLE 1.—PARTICULATE STANDARDS FOR HEAVY-DUTY DIESEL ENGINES (G/BHP-HR)

Model year	1988	1991	1993	1994	1996
Urban bus	0.60	0.25	[1] 0.10	0.07	[2] 0.05
All others	.60	.25	.25	.10	.10

[1] This standard was also applied to other buses in the 1993 model year only.
[2] The in-use standard remains 0.07 g/bhp-hr.

The 1988 PM standard of 0.60 g/bhp-hr was not particularly stringent and therefore some engines were still certified with smoke levels relatively close to the smoke standards. To meet the 1991 and later model year PM standard of 0.25 g/bhp-hr, heavy-duty engine manufacturers generally implemented new particulate control strategies. The control strategies employed to reduce total PM emissions (e.g., improved fuel injection characteristics, reduced combustion chamber crevice volume, electronic controls, exhaust aftertreatment) also tended to reduce smoke. Because smoke is the portion of the total particulate that is visible, significantly reducing particulate levels would be expected to lead to lower smoke levels. Engines certified for the 1993 model year all had smoke levels well below the standard.[2] All HDDE smoke and PM certification data for the 1993 model year, including diesel-fueled and alternatively-fueled urban bus engines, are summarized in Table 2.

[1] "EPA Health Assessment Document for Diesel Emissions", Workshop Review Draft, July 1990, EPA/600/8–90/057A. Also see EPA "Motor Vehicle Air Toxics Study", April 1993, EPA/420–R–93–005.

[2] Memorandum from Christopher Lieske to the Docket, "Smoke and particulate Matter Emissions from Heavy-duty Diesel Engine Certification and Selective Enforcement Audit Testing," August 31, 1993, A–93–35, II–B–1.

TABLE 2.—SUMMARY OF 1993 HEAVY-DUTY DIESEL ENGINE PARTICULATE MATTER AND SMOKE CERTIFICATION EMISSION LEVELS

	Particulate matter (g/bhp-hr)	Acceleration smoke (percent)	Lugging smoke (percent)	Peak smoke (percent)
Standard	[1] 0.25	20	15	50
Average	.19	5.0	2.04	8.80
Maximum	[2] .46	13.9	9.50	29.20
Minimum	.02	.0	.00	.00
Standard deviation	.07	2.9	1.59	5.20

[1] 0.10 g/bhp-hr for bus engines.
[2] Certified under the Averaging, Banking, and Trading Program.

As shown in Table 2, engines certified in 1993 on average were 75%, 87%, and 82% below the respective standard for acceleration, lug, and peak smoke. Even for the 12 engines certified with PM levels above the 0.25 g/bhp-hr PM standard through the averaging, banking and trading program, no engine exceeded 65% of the three smoke standards.

The 0.10 g/bhp-hr PM standard applicable to 1994 and later model year HDDEs, and the even more stringent PM standards applicable to 1994 and later model year urban buses, will likely result in even more dramatic smoke reductions than occurred with the 0.25 g/bhp-hr standard. The 10 engines certified in 1993 with a PM level below 0.10 g/bhp-hr had average smoke levels 98%, 99%, and 97% below the respective standards for acceleration, lug, and peak smoke, with no engine exceeding 26% of any of the three smoke standards.

The HDDE SEA testing that has been performed to date has shown a very general trend that lower particulate levels have resulted in lower smoke levels.[3] However, there has been one SEA test engine that marginally exceeded the acceleration smoke standard while still meeting the 0.25 g/bhp-hr PM standard. The actual PM and acceleration smoke levels of the engine were 0.21 g/bhp-hr and 21%, respectively. There is no SEA data available for engines certified to a PM level at or below 0.10 g/bhp-hr.

Based on the above data and analysis, the Agency believes it is appropriate to provide an opportunity for HDDE manufacturers to avoid the testing burden associated with the smoke standards through the granting of smoke testing waivers for certain engines, as discussed in detail below.

[3] Memorandum from Christopher Lieske to the Docket, "Smoke and Particulate Matter Emissions from Heavy-duty Diesel Engine Certification and Selective Enforcement Audit Testing," August 31, 1993, A-93-35, II-B-1.

III. Smoke Testing Waivers for Engines With PM Certification Levels Exceeding 0.10 g/bhp-hr

Based on the above analysis of existing certification data EPA believes that engines certified to the 1994 on-highway HDDE PM standard of 0.10 g/bhp-hr can be expected to have smoke emissions well below the smoke standards. Existing data from the 1993 model year show that engines with PM certification test results of 0.10 g/bhp-hr or less produce smoke emission levels that are 75% or more below the applicable smoke standard. Therefore, EPA believes it is appropriate to authorize the granting of certification smoke testing waivers beginning with the 1994 model year for HDDEs with PM certification levels at or below the PM standard of 0.10 g/bhp-hr. Based on the existing data, EPA expects it will be in a position to grant certification smoke testing waivers to HDDE manufacturers beginning with the 1994 model year for these engines.

For SEA testing, EPA believes that the above data tends to support granting smoke testing waivers for engines with PM certification levels at or below 0.10 g/bhp-hr. For example, the smoke standard was passed in almost all cases where the SEA test results for PM were 0.20 g/bhp-hr or less. However, because no SEA tests have been performed to date on engines meeting the 0.10 g/bhp-hr standard, EPA wishes to proceed conservatively in granting smoke waivers during SEA testing. Smoke testing during the 1994 model year SEAs will provide EPA with SEA smoke test data on engines meeting the 0.10 g/bhp-hr PM standard. EPA anticipates that this data will clearly demonstrate that engines certified to the 0.10 g/bhp-hr PM standard have SEA smoke levels consistently and significantly below the smoke standards. Therefore, EPA believes it is appropriate to authorize the granting of SEA smoke testing waivers in model year 1995 for HDDEs with PM certification levels at or below 0.10 g/bhp-hr. If 1994 model year data supports granting SEA smoke testing waivers, as is fully expected by EPA, EPA expects it will be in a position to grant smoke waivers for SEA smoke testing beginning with the 1995 model year for qualified engines.

This SEA smoke waiver is the only SEA testing waiver available to HDDE manufacturers. EPA does not grant CO measurement waivers for SEA testing. EPA believes that CO measurement during SEAs provides a valuable check on engine CO levels, which, because of the waiver for certification testing, are often not checked during certification. The cost of testing for CO is very low, because CO is measured during the same FTP that is used to measure other pollutants including hydrocarbons, oxides of nitrogen, and particulate matter.

Smoke testing differs from CO testing in two important respects. First, the smoke test is somewhat duplicative of the PM test because the smoke test is measuring a subset of particulates. Total PM measurement will remain part of certification and SEA testing. PM levels that are below the 1994 and later model year PM standards will be a very good indication that smoke standards will also be met, especially when supported with previous smoke and PM test data for the same engine family or other engine families with very similar PM levels.

Second, smoke testing is conducted over a separate test procedure done specifically to measure smoke. By granting a smoke testing waiver during SEA testing, a significant testing expense can be eliminated. Also, the manufacturers are likely to realize savings in test equipment repairs since smoke testing equipment will be used less often. The use of waivers in SEA testing may also help conserve EPA travel funds because SEAs will be shorter and simpler.

Although it would arguably be simpler to delete the smoke standards altogether, EPA believes that it is reasonable to retain the standard. If the smoke standards were deleted, the

Agency would have no authority to act if an engine family were shown to have high in-use smoke emissions. EPA continues to believe that regulating smoke emissions is appropriate. Additionally, states that are considering inspection/maintenance programs for in-use HDDEs, including in-use smoke checks, could find it more difficult to enforce such programs if there were no federal smoke requirements in effect. For these reasons, EPA believes it is important to retain the smoke standards.

For the reasons discussed above, the Agency believes that the best approach to reducing the smoke testing burden on HDDE manufacturers is to make certification and SEA testing waivers available for the smoke standards. Granting waivers will significantly reduce the financial burden currently associated with smoke testing, while still ensuring that the smoke standards remain in effect and enforceable.

IV. Smoke Testing Waivers for Engines With PM Certification Levels Above 0.10 g/bhp-hr

There are two EPA programs available to diesel engine manufacturers that allow them to manufacture and sell engines with PM emissions levels above the PM standard. The first program is the emissions averaging, banking, and trading program (55 FR 30584, July 26, 1990). This program allows engine manufacturers to use emissions credits earned through the production of engine families with a PM level below a PM standard (or credits purchased from other engine manufacturers) to cover engines certified to levels above the PM standard. When an engine is certified under this program, the emissions level that the manufacturer must comply with is termed the Family Emissions Limit (FEL). The amount of credits earned or used is based on the difference between the FEL and the standard. The second program allows manufacturers to pay "nonconformance penalties" in cases where engines do not meet the standard (see 40 CFR part 86, subpart L). In the nonconformance penalties program, the emissions level to which an engine family is certified is by definition greater than the standard and is referred to as the "compliance level" (CL). The penalties are based on the difference between the standard and the engine's CL, and increase for each subsequent year the engine family does not comply with the standard. With these two programs, a HDDE family can be certified with a PM emissions level (FEL or CL) at or below 0.60 g/bhp-hr (except for urban buses engines which may have an FEL or CL at or below 0.25 g/bhp-hr beginning in the 1993 model year), as long as the appropriate amount of credits are available or non-conformance penalties paid.

Based on the data currently available, EPA tends to believe that it would be appropriate to grant smoke waivers for HDDEs that have FELs or CLs at or below 0.25 g/bhp-hr. However, EPA wishes to approach the granting smoke waivers for these engines in a conservative manner. Although EPA's current data generally supports the granting of smoke waivers for such engines, the data is somewhat limited. For this reason, EPA will not have regulatory authority to grant smoke waivers for engines certified above the 0.10 g/bhp-hr PM level before the 1997 model year. EPA believes that smoke data accumulated during model years 1994 through 1996 will enable EPA to better analyze the granting of waivers for HDDEs with PM certification levels at or below 0.25 g/bhp-hr.

This rulemaking provides EPA with the regulatory authority to grant certification and SEA smoke testing waivers for HDDEs with PM certification levels exceeding 0.10 g/bhp-hr, but not exceeding 0.25 g/bhp-hr, beginning in model year 1997. If the data gathered during model years 1994, 1995, and 1996 support granting smoke testing waivers for these engines, EPA expects to be in a position to grant such waivers beginning with the model year 1997.

Under the regulations EPA will not have regulatory authority to grant a smoke testing waiver for any HDDE with a PM emissions certification level above 0.25 g/bhp-hr. Nonurban bus engines certified in 1994 and later model years are allowed to have FELs as high as 0.60 g/bhp-hr (0.25 g/bhp-hr for 1993 and later model year urban buses). An engine with a PM level near 0.60 g/bhp-hr is more likely to have smoke levels close to the smoke standards than an engine with a PM level of 0.25 g/bhp-hr. EPA wishes to remain conservative in establishing regulatory authority to grant smoke testing waivers and has chosen 0.25 g/bhp-hr as a cut-point because data indicates that engines at or below this PM level have low smoke levels. Additionally, the 0.25 g/bhp-hr level is a convenient cut-point because it is a past PM standard. Finally, EPA believes that, due to the low 1994 PM standard, engine manufacturers will not be able to generate sufficient credits under the averaging, banking, and trading program to market a significant number of engines with PM levels exceeding 0.25 g/bhp-hr. Establishing a maximum PM level of 0.25 g/bhp-hr as the cut-point simplifies the regulations without placing an undue burden on the manufacturers.

V. Smoke Testing Waivers for Methanol-Fueled Engines

The Agency promulgated emission standards for methanol-fueled vehicles and engines on April 11, 1989 (54 FR 14426). That action extended the coverage of the HDDE smoke standards to methanol-fueled diesel engines and included regulatory authority to waive smoke testing. This testing waiver was similar to that in today's final rule for petroleum-fueled diesel engines, without the restrictions based on the PM certification levels, and was based on the expectation that these engines would have low smoke emissions. While the smoke testing waiver for methanol-fueled engines was included in § 86.090–23, it was inadvertently left out of corresponding CFR sections that applied to later model years, namely § 86.091–23 and, by reference, § 86.094–23. Today's action corrects this error by making smoke waivers available for 1994 and later model year methanol-fueled diesel engines. For the convenience of the regulated community and other interested parties, the same restrictions based on PM certification levels will apply for all diesel engines. This is not expected to substantially change the ability of methanol-fueled diesel engines to obtain smoke waivers because methanol-fueled diesel engines have inherently low PM levels.

VI. Final Rule Requirements

This final rule provides EPA with the regulatory authority to grant on-highway HDDE certification and SEA smoke testing waivers according to the schedule contained in Table 3.

TABLE 3.—AVAILABILITY OF SMOKE TESTING WAIVERS

Engine model year	PM certification level (g/bhp-hr)	Smoke testing waivers available
1994–1996	≤0.10	Certification.
1995 and 1996	≤0.10	SEA.
1997 and later	≤0.25	Certification and SEA.

Display of OMB Control Numbers

EPA is also amending the table of currently approved information collection request (ICR) control numbers issued by OMB for various regulations. This amendment updates the table to accurately display those information requirements contained in this final rule. This display of the OMB control number and its subsequent codification in the Code of Federal Regulations satisfies the requirements of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) and OMB's implementing regulations at 5 CFR part 1320.

The ICRs were previously subject to public notice and comment prior to OMB approval. As a result, EPA finds that there is "good cause" under section 553(b)(B) of the Administrative Procedure Act (5 U.S.C. 553(b)(B)) to amend this table without prior notice and comment. Due to the technical nature of the table, further notice and comment would be unnecessary. For the same reasons, EPA also finds that there is good cause under 5 U.S.C. 553(d)(3).

VII. Environmental Effects and Economic Impacts

The purpose of this final rule is to decrease the testing burden on HDDE manufacturers, and not to increase the level of stringency of the regulations. As such, no environmental benefits are expected to result from this action. Conversely, because waivers will only be granted when data shows that the smoke levels are well below the applicable standard or limit and because engine manufacturers will remain liable for meeting the smoke standards, the Agency does not expect any adverse environmental impacts to result from this rulemaking.

EPA estimates that the cost of performing the HDDE smoke test procedure, incremental to running a heavy-duty transient test, averages about $1,000, based on information provided by the Engine Manufacturers Association.[4] (The cost may be somewhat lower if the testing is done by the engine manufacturers in-house or the cost may be somewhat higher if the testing is performed by an outside laboratory.) There are approximately 125 HDDE families currently certified. If all of these engine families were granted a certification smoke testing waiver, the maximum cost savings of today's action with regard to certification testing is approximately $125,000 annually. The savings would be smaller to the extent that certification is carried over from one model year to the next by engine manufacturers.[5]

During Selective Enforcement Audits, there are generally five engines tested. Depending on the outcome of those five tests, testing more engines may or may not be necessary, but historically, additional testing has not been necessary. In recent years, EPA has typically performed about eleven HDDE SEAs annually. If waivers were granted for all of the SEA smoke testing, EPA estimates that about $55,000 would be saved industry-wide during SEA testing. Overall, therefore, the smoke waivers program is expected to save the HDDE industry up to $180,000 annually plus any additional savings due to lower repair and maintenance costs associated with using smoke testing equipment less frequently. Additionally, granting waivers may significantly shorten SEA audits, lowering EPA and industry travel costs and decreasing the amount of time engines are involved in testing.

VIII. Public Participation and Effective Date

EPA is publishing this action without prior proposal because the Agency views this as a noncontroversial action and anticipates no adverse comments. This action will be effective in 60 days from the date of this **Federal Register** notice unless, notice is received within 30 days of its publication that adverse or critical comments will be submitted.

If such notice is received, this action will be withdrawn before the effective date by publishing two subsequent notices. One notice will withdraw this final rule and another will begin a new rulemaking by announcing a proposal of the rule and establishing a comment period.

IX. Statutory Authority

Authority for the actions promulgated in this final rule is granted to EPA by sections 206(a) and (b) of the Clean Air Act (42 U.S.C. 7525(a) and (b)). Section 206(a) provides that, prior to issuance of a certificate of conformity, the Administrator "shall test, or require to be tested in such manner as he deems appropriate [new motor vehicles or new motor vehicle engines] to determine whether such vehicle or engine conforms with" applicable emissions standards. Similarly, under section 206(b) the Administrator is authorized to test, or have the manufacturer test, production line motor vehicles or engines in order to determine compliance with applicable emissions standards. Such testing is to be conducted "in accordance with conditions specified by the Administrator." Both of these provisions provide broad authority for EPA to establish the amount and kind of test information required from manufacturers for purposes of certification or SEA. This authority clearly extends to authorizing a waiver from submission of certain test data, when the manufacturer provides EPA with other information that is an adequate substitute for the required test data.

X. Administrative Designation

Executive Order 12866

Under Executive Order 12866 (58 FR 51735 (October 4, 1993)) the Agency must determine whether the regulatory action is "significant" and therefore subject to OMB review and the requirements of the Executive Order. The Order defines "significant regulatory action" as one that is likely to result in a rule that may: (1) Have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities; (2) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; (3) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order. OMB has exempted this regulatory action from E.O. 12866 review.

XI. Regulatory Flexibility Act

The Regulatory Flexibility Act of 1990 requires federal agencies to consider potentially adverse impacts of federal regulations upon small entities. In instances where significant impacts are possible on a substantial numbers of these entities, agencies are required to perform a Regulatory Flexibility Analysis.

There will not be a significant impact on a substantial number of small entities due to the smoke waivers program since none of the affected HDDE manufacturing entities could be classified as a small business. Moreover, this regulation does not impose any new requirements on these manufacturers and is designed to reduce their regulatory burden.

Therefore, as required under section 605 of the Regulatory Flexibility Act, 5 U.S.C. 601 et seq., I certify that this regulation does not have a significant impact on a substantial number of small entities.

XII. Reporting and Recordkeeping Requirements

Under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 et seq., EPA must obtain OMB clearance for any

[4] Letter to Joanne I. Goldhand, U.S. EPA, from Glenn F. Keller, Engine Manufacturers Association, July 12, 1993, A-93-35, II-D-I.

[5] Engine manufacturers are not required to perform new emissions testing for engines that do not change from one model year to the next.

activity that will involve collecting substantially the same information from 10 or more non-Federal respondents. This regulation does not impose any new information requirements or contain any new information collection requirements. This regulation is expected to reduce the burden associated with engine certification and SEA testing by an average of 33 hours per respondent.

List of Subjects

40 CFR Part 9

Reporting and recordkeeping requirements.

40 CFR Part 86

Environmental protection, Administrative practice and procedure, Air pollution control, Labeling, Motor vehicles, Motor vehicle pollution, Reporting and recordkeeping requirements.

Dated: December 13, 1993.

Carol M. Browner,

Administrator.

APPENDIX—TABLE OF CHANGES

Section	Change	Reason
1a. Part 9 Authority.	None	
1b. Section 9.1	Addition of new entries to table.	Incorporate OMB control numbers.
2. Part 86 Authority.	None	
3. § 86.094–23	Addition of smoke testing waivers to paragraph (c)(2)(i).	Incorporate smoke waivers for certification into regulations.
4. § 86.095–23	Addition of new section § 86.095–23.	Incorporate smoke waivers for SEA into regulations.
5. § 86.096–23	Revise reference to reflect addition of § 86.095–23.	Incorporate smoke waivers into regulations.
6. § 86.098–23	Revised reference to reflect addition of § 86.095–23.	Do.

For the reasons set forth in the preamble, title 40 of the Code of Federal Regulations is amended as follows:

PART 9—[AMENDED]

1. In part 9:

a. The authority citation for part 9 continues to read as follows:

Authority: 7 U.S.C. 135 *et seq.*, 136–136y; 15 U.S.C. 2001, 2003, 2005, 2006, 2601–2671; 21 U.S.C. 331j, 346a, 348; 31 U.S.C. 9701; 33 U.S.C. 1251 *et seq.*, 1311, 1313d, 1314, 1321, 1326, 1330, 1344, 1345 (d) and (e), 1361; E.O. 11735, 38 FR 21243, 3 CFR, 1971–1975 Comp. p. 973; 42 U.S.C. 241, 242b, 243, 246, 300f, 300g, 300g–1, 300g–2, 300g–3, 300g–4, 300g–5, 300g–6, 300j–1, 300j–2, 300j–3, 300j–4, 300j–9, 1857 *et seq.*, 6901–6992k, 7401–7671q, 7542, 9601–9657, 11023, 11048.

b. Section 9.1 is amended by adding the new entries under the indicated heading to the table to read as follows:

§ 9.1 OMB approvals under the Paperwork Reduction Act.

* * * * *

40 CFR citation	OMB control No.
* * *	* *
Control of Air Pollution From New and In-Use Motor Vehicles and New and In-Use Motor Vehicle Engines: Certification and Test Procedures	
* * *	* *
86.095–23	2060–0104
* * *	* *
86.096–23	2060–0104
* * *	* *
86.098–23	2060–0104
* * *	* *

PART 86—[AMENDED]

2. The authority citation for part 86 continues to read as follows:

Authority: Secs. 202, 203, 205, 206, 207, 208, 215, 216, 217, and 301(a), Clean Air Act as amended (42 U.S.C. 7521, 7522, 7524, 7525, 7541, 7542, 7549, 7550, 7552, and 7601(a)).

3. Section 86.094–23 of subpart A is amended by revising paragraph (c)(2)(i), to read as follows:

§ 86.094–23 Required data.

* * * * *

(c)(1) * * *

(2) * * *. (i) Emission data on such engines tested in accordance with applicable emission test procedures of this subpart and in such numbers as specified. These data shall include zero hour data, if generated, and emission data generated for certification as required under § 86.090–26(c)(4). In lieu of providing emission data on idle CO emissions or particulate emissions from methanol-fueled diesel certification engines, or on CO emissions from petroleum-fueled or methanol-fueled diesel certification engines the Administrator may, on the request of the manufacturer, allow the manufacturer to demonstrate (on the basis of previous emission tests, development tests, or other information) that the engine will conform with the applicable emission standards of § 86.094–11. In lieu of providing emission data on smoke emissions from methanol-fueled or petroleum-fueled diesel certification engines, the Administrator may, on the request of the manufacturer, allow the manufacturer to demonstrate (on the basis of previous emission tests, development tests, or other information) that the engine will conform with the applicable emissions standards of § 86.094–11, except for 1994 model year engines with particulate matter certification levels exceeding 0.10 grams per brake horsepower–hour.

* * * * *

4. A new § 86.095–23 is added to subpart A to read as follows:

§ 86.095–23 Required data.

(a) The manufacturer shall perform the tests required by the applicable test procedures and submit to the Administrator the information described in paragraphs (b) through (l) of this section, provided, however, that if requested by the manufacturer, the Administrator may waive any requirement of this section for testing of vehicle (or engine) for which emission data are available or will be made available under the provisions of § 86.091–29.

(b) *Durability data.* (1)(i) The manufacturer shall submit exhaust emission durability data on such light-duty vehicles tested in accordance with applicable test procedures and in such numbers as specified, which will show the performance of the systems installed on or incorporated in the vehicle for extended mileage, as well as a record of all pertinent maintenance performed on the test vehicles.

(ii) The manufacturer shall submit exhaust emission deterioration factors for light-duty trucks and heavy-duty engines and all test data that are derived from the testing described under § 86.094–21(b)(5)(i)(A), as well as a record of all pertinent maintenance. Such testing shall be designed and conducted in accordance with good engineering practice to assure that the engines covered by a certificate issued under § 86.094–30 will meet each emission standard (or family emission limit, as appropriate) in § 86.094–9, § 86.091–10, or § 86.094–11 as appropriate, in actual use for the useful life applicable to that standard.

(2) For light-duty vehicles and light-duty trucks, the manufacturer shall submit evaporative emission deterioration factors for each evaporative emission family-evaporative emission control system combination and all test data that are derived from testing described under § 86.094-21(b)(4)(i) designed and conducted in accordance with good engineering practice to assure that the vehicles covered by a certificate issued under § 86.094-30 will meet the evaporative emission standards in § 86.094-8 or § 86.094-9, as appropriate, for the useful life of the vehicle.

(3) For heavy-duty vehicles equipped with gasoline-fueled or methanol-fueled engines, the manufacturer shall submit evaporative emission deterioration factors for each evaporative emission family-evaporative emission control system combination identified in accordance with § 86.094-21(b)(4)(ii). Furthermore, a statement that the test procedure(s) used to derive the deterioration factors includes, but need not be limited to, a consideration of the ambient effects of ozone and temperature fluctuations, and the service accumulation effects of vibration, time, and vapor saturation and purge cycling. The deterioration factor test procedure shall be designed and conducted in accordance with good engineering practice to assure that the vehicles covered by a certificate issued under § 86.094-30 will meet the evaporative emission standards in §§ 86.091-10 and § 86.094-11 in actual use for the useful life of the engine. Furthermore, a statement that a description of the test procedure, as well as all data, analyses, and evaluations, is available to the Administrator upon request.

(4) (i) For heavy-duty vehicles with a Gross Vehicle Weight Rating of up to 26,000 lbs and equipped with gasoline-fueled or methanol-fueled engines, the manufacturer shall submit a written statement to the Administrator certifying that the manufacturer's vehicles meet the standards of § 86.091-10 or § 86.094-11 (as applicable) as determined by the provisions of § 86.094-28. Furthermore, the manufacturer shall submit a written statement to the Administrator that all data, analyses, test procedures, evaluations, and other documents, on which the requested statement is based, are available to the Administrator upon request.

(ii) For heavy-duty vehicles with a Gross Vehicle Weight Rating of greater than 26,000 lbs and equipped with gasoline-fueled or methanol-fueled engines, the manufacturer shall submit a written statement to the Administrator certifying that the manufacturer's evaporative emission control systems are designed, using good engineering practice, to meet the standards of § 86.091-10 or § 86.094-11 (as applicable) as determined by the provisions of § 86.094-28. Furthermore, the manufacturer shall submit a written statement to the Administrator that all data, analyses, test procedures, evaluations, and other documents, on which the requested statement is based, are available to the Administrator upon request.

(c) *Emission data*—(1) *Certification vehicles.* The manufacturer shall submit emission data, including, in the case of methanol fuel, methanol, formaldehyde, and organic material hydrocarbon equivalent, on such vehicles tested in accordance with applicable test procedures and in such numbers as specified. These data shall include zero-mile data, if generated, and emission data generated for certification as required under § 86.094-26(a)(3)(i) or (ii). In lieu of providing emission data the Administrator may, on request of the manufacturer, allow the manufacturer to demonstrate (on the basis of previous emission tests, development tests, or other information) that the engine will conform with certain applicable emission standards of § 86.094-8 or § 86.094-9. Standards eligible for such manufacturer requests are those for idle CO emissions, smoke emissions, or particulate emissions from methanol-fueled diesel-cycle certification vehicles, and those for particulate emissions from model year 1994 and later gasoline-fueled or methanol-fueled Otto-cycle certification vehicles that are not certified to the Tier 0 standards of § 86.094-9(a)(1)(i), (ii), or § 86.094-8(a)(1)(i). Also eligible for such requests are standards for total hydrocarbon emissions from model year 1994 and later certification vehicles that are not certified to the Tier 0 standards of § 86.094-9(a)(1)(i), (ii), or § 86.094-8(a)(1)(i). By separate request, including appropriate supporting test data, the manufacturer may request that the Administrator also waive the requirement to measure particulate emissions when conducting Selective Enforcement Audit testing of Otto-cycle vehicles.

(2) *Certification engines.* (i) The manufacturer shall submit emission data on such engines tested in accordance with applicable emission test procedures of this subpart and in such numbers as specified. These data shall include zero-hour data, if generated, and emission data generated for certification as required under § 86.094-26(c)(4). In lieu of providing emission data on idle CO emissions or particulate emissions from methanol-fueled diesel-cycle certification engines, or on CO emissions from petroleum-fueled or methanol-fueled diesel certification engines the Administrator may, on request of the manufacturer, allow the manufacturer to demonstrate (on the basis of previous emission tests, development tests, or other information) that the engine will conform with the applicable emission standards of § 86.094-11. In lieu of providing emission data on smoke emissions from methanol-fueled or petroleum-fueled diesel certification engines, the Administrator may, on the request of the manufacturer, allow the manufacturer to demonstrate (on the basis of previous emission tests, development tests, or other information) that the engine will conform with the applicable emissions standards of § 86.094-11, except for 1995 and 1996 model year engines with particulate matter certification levels exceeding 0.10 grams per brake horsepower-hour and 1997 or later model year engines with a particulate matter certification level exceeding 0.25 grams per brake horsepower-hour. In lieu of providing emissions data on smoke emissions from petroleum-fueled or methanol-fueled diesel engines when conducting Selective Enforcement Audit testing under 40 CFR part 86, subpart K, the Administrator may, on separate request of the manufacturer, allow the manufacturer to demonstrate (on the basis of previous emission tests, development tests, or other information) that the engine will conform with the applicable smoke emissions standards of § 86.094-11, except for 1995 and 1996 model year engines with particulate matter certification levels exceeding 0.10 grams per brake horsepower-hour and 1997 or later model year engines with a particulate matter certification level exceeding 0.25 grams per brake horsepower-hour.

(ii) For heavy-duty diesel engines, a manufacturer may submit hot-start data only, in accordance with subpart N of this part, when making application for certification. However, for confirmatory, Selective Enforcement Audit, and recall testing by the Agency, both the cold-start and hot-start test data, as specified in subpart N of this part, will be included in the official results.

(d) The manufacturer shall submit a statement that the vehicles (or engines) for which certification is requested conform to the requirements in § 86.084-5(b), and that the descriptions of tests performed to ascertain compliance with the general standards in § 86.084–5(b), and that the data derived from such tests are available to the Administrator upon request.

(e) (1) The manufacturer shall submit a statement that the test vehicles (or test engines) for which data are submitted to demonstrate compliance with the applicable standards (or family emission limits, as appropriate) of this subpart are in all material respects as described in the manufacturer's application for certification, that they have been tested in accordance with the applicable test procedures utilizing the fuels and equipment described in the application for certification, and that on the basis of such tests the vehicles (or engines) conform to the requirements of this part. If such statements cannot be made with respect to any vehicle (or engine) tested, the vehicle (or engine) shall be identified, and all pertinent data relating thereto shall be supplied to the Administrator. If, on the basis of the data supplied and any additional data as required by the Administrator, the Administrator determines that the test vehicles (or test engine) was not as described in the application for certification or was not tested in accordance with the applicable test procedures utilizing the fuels and equipment as described in the application for certification, the Administrator may make the determination that the vehicle (or engine) does not meet the applicable standards (or family emission limits, as appropriate). The provisions of § 86.094–30(b) shall then be followed.

(2) For evaporative emission durability, or light-duty truck or heavy-duty engine exhaust emission durability, the manufacturer shall submit a statement of compliance with paragraph (b)(1)(ii), (b)(2), or (b)(3) of this section, as applicable.

(f) Additionally, manufacturers participating in the particulate averaging program for diesel light-duty vehicles and diesel light-duty trucks shall submit:

(1) In the application for certification, a statement that the vehicles for which certification is requested will not, to the best of the manufacturer's belief, when included in the manufacturer's production-weighted average emission level, cause the applicable particulate standard(s) to be exceeded, and

(2) No longer than 90 days after the end of a given model year of production of engine families included in one of the diesel particulate averaging programs, the number of vehicles produced in each engine family at each certified particulate FEL, along with the resulting production-weighted average particulate emission level.

(g) Additionally, manufacturers participating in the NO_X averaging program for light-duty trucks shall submit:

(1) In the application for certification, a statement that the vehicles for which certification is required will not, to the best of the manufacturer's belief, when included in the manufacturer's production-weighted average emission level, cause the applicable NO_X standard(s) to be exceeded, and

(2) No longer than 90 days after the end of a given model year of production of engine families included in the NO_X averaging program, the number of vehicles produced in each engine family at each certified NO_X emission level.

(h) Additionally, manufacturers participating in any of the NO_X and/or particulate averaging, trading, or banking programs for heavy-duty engines shall submit for each participating family the items listed in paragraphs (h)(1) through (3) of this section.

(1) Application for certification.

(i) The application for certification will include a statement that the engines for which certification is requested will not, to the best of the manufacturer's belief, when included in any of the averaging, trading, or banking programs cause the applicable NO_X or particulate standard(s) to be exceeded.

(ii) The application for certification will also include the type (NO_X or particulate) and the projected number of credits generated/needed for this family, the applicable averaging set, the projected U.S. (49-state) production volumes, by quarter, NCPs in use on a similar family and the values required to calculate credits as given in § 86.094–15. Manufacturers shall also submit how and where credit surpluses are to be dispersed and how and through what means credit deficits are to be met, as explained in § 86.094–15. The application must project that each engine family will be in compliance with the applicable NO_X and/or particulate emission standards based on the engine mass emissions, and credits from averaging, trading and banking.

(2) [Reserved]

(3) End-of-year report. The manufacturer shall submit end-of-year reports for each engine family participating in any of the averaging, trading, or banking programs, as described in paragraphs (h)(3)(i) through (iv) of this section.

(i) These reports shall be submitted within 90 days of the end of the model year to: Director, Manufacturers Operations Division (6405J), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460.

(ii) These reports shall indicate the engine family, the averaging set, the actual U.S. (49-state) production volume, the values required to calculate credits as given in § 86.094–15, the resulting type (NO_x or particulate) and number of credits generated/required, and the NCPs in use on a similar NCP family. Manufacturers shall also submit how and where credit surpluses were dispersed (or are to be banked) and how and through what means credit deficits were met. Copies of contracts related to credit trading must also be included or supplied by the broker if applicable. The report shall also include a calculation of credit balances to show that net mass emissions balances are within those allowed by the emission standards (equal to or greater than a zero credit balance). The credit discount factor described in § 86.094–15 must be included as required.

(iii) The 49-state production counts for end-of-year reports shall be based on the location of the first point of retail sale (e.g., customer, dealer, secondary manufacturer) by the manufacturer.

(iv) Errors discovered by EPA or the manufacturer in the end-of-year report, including errors in credit calculation, may be corrected up to 90 days subsequent to submission of the end-of-year report. Errors discovered by EPA after 90 days shall be corrected if credits are reduced. Errors in the manufacturer's favor will not be corrected if discovered after the 90 day correction period allowed.

(i) Failure by a manufacturer participating in the averaging, trading, or banking programs to submit any quarterly or end-of-year report (as applicable) in the specified time for all vehicles and engines that are part of an averaging set is a violation of section 203(a)(1) of the Clean Air Act (42 U.S.C. 7522(a)(1)) for each such vehicle and engine.

(j) Failure by a manufacturer generating credits for deposit only in either the HDE NO_X or particulate banking programs to submit their end-of-year reports in the applicable specified time period (i.e., 90 days after the end of the model year) shall result in the credits not being available for use until such reports are received and reviewed by EPA. Use of projected credits pending EPA review will not be permitted in these circumstances.

(k) Engine families certified using NCPs are not required to meet the requirements outlined above.

(l) Additionally, manufacturers certifying vehicles shall submit for each model year 1994 through 1997 light-duty vehicle and light light-duty truck engine family and each model year 1996 through 1998 heavy light-duty truck engine family the information listed in paragraphs (l) (1) and (2) of this section.

(1) Application for certification. In the application for certification, the manufacturer shall submit the projected sales volume of engine families certifying to the respective standards, and the in-use standards that each engine family will meet. Volume projected to be produced for U.S. sale may be used in lieu of projected U.S. sales.

(2) End-of-year reports for each engine family.

(i) These end-of-year reports shall be submitted within 90 days of the end of the model year to: Director, Manufacturers Operations Division (6405J), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460.

(ii) These reports shall indicate the model year, engine family, and the actual U.S. sales volume. The manufacturer may petition the Administrator to allow volume produced for U.S. sale to be used in lieu of U.S. sales. Such petition shall be submitted within 30 days of the end of the model year to the Manufacturers Operations Division. For the petition to be granted, the manufacturer must establish to the satisfaction of the Administrator that production volume is functionally equivalent to sales volume.

(iii) The U.S. sales volume for end-of-year reports shall be based on the location of the point of sale to a dealer, distributor, fleet operator, broker, or any other entity which comprises the point of first sale.

(iv) Failure by a manufacturer to submit the end-of-year report within the specified time may result in certificate(s) for the engine family(ies) certified to Tier 0 certification standards being voided ab initio plus any applicable civil penalties for failure to submit the required information to the Agency.

(v) These reports shall include the information required under § 86.094-7(h)(1). The information shall be organized in such a way as to allow the Administrator to determine compliance with the Tier 1 standards implementation schedules of §§ 86.094-8 and 86.094-9, and the Tier 1 and Tier 1_l implementation schedules of §§ 86.708-94 and 86.709-94.

5. Section 86.096-23 of subpart A is amended by revising the introductory text and paragraphs (a) through (l) to read as follows:

§ 86.096-23 Required data.

Section 86.096-23 includes text that specifies requirements that differ from those specified in § 86.095-23. Where a paragraph in § 86.095-23 is identical and applicable to § 86.096-23, this may be indicated by specifying the corresponding paragraph and the statement "[Reserved]". For guidance see § 86.095-23.

(a) through (l) [Reserved]. For guidance see § 86.095-23.

* * * * *

6. Section 86.096-23 of subpart A is amended by revising the introductory text and paragraphs (a) through (l) to read as follows:

§ 86.098-23 Required data.

Section 86.098-23 includes text that specifies requirements that differ from those specified in § 86.095-23. Where a paragraph in § 86.095-23 is identical and applicable to § 86.098-23, this may be indicated by specifying the corresponding paragraph and the statement "[Reserved]". For guidance see § 86.095-23.

(a) through (l) [Reserved]. For guidance see § 86.095-23.

* * * * *

[FR Doc. 93-30965 Filed 12-17-93; 8:45 am]
BILLING CODE 6560-50-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

42 CFR Part 57

RIN 0905-AE16

Grants for Construction of Teaching Facilities, Educational Improvements, Scholarships, and Student Loans; Grants for Health Professions Projects in Geriatrics

AGENCY: Health Resources and Services Administration, HHS.

ACTION: Final regulation.

SUMMARY: This final rule revises the existing regulations governing the Grants for Health Professions Projects in Geriatrics to bring the regulations into conformity with technical amendments made by the Health Professions Extension Amendments of 1992 and to include other changes for consistency with current grant program policies.

EFFECTIVE DATE: This regulation is effective December 20, 1993.

FOR FURTHER INFORMATION CONTACT: Neil H. Sampson, Director, Division of Associated, Dental and Public Health Professions, Bureau of Health Professions, Health Resources and Services Administration, room 8-101, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857; telephone: (301) 443-6853.

SUPPLEMENTARY INFORMATION: This final rule amends the existing regulations governing the Grants for Health Professions Projects in Geriatrics (commonly referred to as Geriatric Education Centers (GECs)) under section 777(a) of the Public Health Service Act (the Act) (formerly section 789(a) of the Act).

Section 777(a) of the Act, as amended, authorizes the Secretary to make grants to and enter into contracts with accredited schools of medicine, osteopathic medicine, dentistry, pharmacy, optometry, podiatric medicine, veterinary medicine, public health, chiropractic, allied health, and nursing; graduate programs in health administration, clinical psychology, clinical social work and marriage and family therapy; and programs for the training of physician assistants to assist in meeting the costs of projects to:

(a) Improve the training of health professionals in geriatrics;

(b) Develop and disseminate curricula relating to the treatment of the health problems of elderly individuals;

(c) expand and strengthen instruction in methods of such treatment;

(d) Support the training and retraining of faculty to provide such instruction;

(e) Support continuing education of health professionals and allied health professionals who provide such treatment; and

(f) Establish new affiliations with nursing homes, chronic and acute disease hospitals, ambulatory care centers, and senior centers in order to provide students with clinical training in geriatric medicine.

Amendments made by the Health Professions Extension Amendments of 1992 (Pub. L. 102-408) to the GEC program are listed below.

Public Law 102-408 reorganized and renumbered the sections in the PHS Act. The technical changes affecting the GEC program are being made to the regulations to:

1. Revise the subpart heading of the regulation to "Grants for Geriatric Education Centers" to reflect the statutory heading;

2. Revise the old section number "789(a)" to read "777(a)" in § 57.4001, entitled "To what projects do these regulations apply?";

3. Revise the references to title VII's previous definitions section 701 (now under section 799) in the regulations for § 57.4002, entitled "Definitions." to:

a. Revise section number 701(13) in the definition of "Allied health professional" to section "799(5)";

b. Add the definitions of "Graduate program in clinical social work" and "Graduate program in marriage and family therapy" in accordance with Public Law 102-408;

c. Add the definition of "Graduate program in mental health practice" in accordance with Public Law 102-408;

d. Revise section number 701(4) referenced in the definition listing health professions schools to "799(1) (A), (B), (C), and (D)" to reflect the various listings of the health professions and the added statutory definitions of "Graduate program in clinical social work" and "graduate program in marriage and family therapy", and "Graduate program in mental health practice";

e. Revise section number 701(5) also referenced in the definition listing health professions schools to "799(1)(E)" regarding the statutory definition of "Accredited";

f. Revise section number 701(8) in the definition of "Program for the training of physician assistants" to "799(3)";

g. Revise section number 701(10) in the definition of "School of allied health" to "799(4)";

h. Add the definition of "School of nursing" in accordance with Public Law 102-408; and

i. Revise section number 789(b)(3) referenced in the definition of "Training and retraining of faculty" to "777(3)(A) and (B)".

Public Law 102-408 also amended title VII by repealing the National Advisory Council on Health Professions Education effective October 1, 1992. Therefore, in accordance with the repealing of this National Advisory Council, as it affects the evaluation and recommendation process of awarding grant applications, the Department is removing the reference to the Council in the introductory text of paragraph (a) of § 57.4005, entitled "How will applications be evaluated?", and revising the introductory text to reflect current statutory language.

Other amendments are being made to the regulations to reflect current program policies to more efficiently implement the program.

Under § 57.4004, entitled "Program requirements.", the Department is revising a currently used funding preference to now list it as a program requirement in order to strengthen the emphasis on multidisciplinary assessment and interdisciplinary practice as essential components of geriatric health care. This requirement will be added as a new paragraph (b) to indicate that projects must include one or more of the program activities listed in paragraph (a) for *four* or more types of health professionals as defined in § 57.4002. The former paragraph (b) has been redesignated as paragraph (c). Under § 57.4006, entitled "How long does grant support last?", paragraph (a), the Department has extended the length of time of a grant award, known as the project period, from 5 years to 6 years. The GEC program is a very complex undertaking for the applicant, especially for the competing renewal period, which currently is 2 years. The Department, therefore, has extended the renewal period by 1 year for a total project period of 6 years.

Justification for Omitting Notice of Proposed Rulemaking

Since these amendments are of a technical and ministerial nature, the Secretary has determined, pursuant to 5 U.S.C. 553 and departmental policy that it is unnecessary and impractical to follow proposed rulemaking procedures or to delay the effective date of these regulations.

Regulatory Flexibility Act and Executive Order 12291

This regulation governs a financial assistance training grant program in which participation is voluntary. This rule will not exceed the threshold level of $100 million established in section (b) of Executive Order 12291; nor will it result in a major increase in costs or prices for consumers, industries, governmental agencies or geographic regions; nor have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. This rule also falls within an exception to the Administrative Procedure Act. For these reasons, the Secretary has determined that this rule is not a major rule under Executive Order 12291 and a regulatory impact analysis is not required. Further, because the rule does not have a significant economic impact on a substantial number of small entities, a regulatory flexibility analysis under the Regulatory Flexibility Act of 1980 is not required.

Paperwork Reduction Act of 1980

These amendments do not affect the recordkeeping or reporting requirements in the existing regulations for the Grants for Health Professions Projects in Geriatrics.

List of Subjects in 42 CFR Part 57

Dental health, Education of the disadvantaged, Educational facilities, Educational study programs, Grant programs-education, Grant programs-health, Medical and dental schools, Student aid.

(Catalog of Federal Domestic Assistance, No. 93.969, Grants for Geriatric Education Centers)

Dated: October 1, 1993.

Philip R. Lee,

Assistant Secretary for Health.

Approved: November 29, 1993.

Donna E. Shalala,

Secretary.

Accordingly, 42 CFR part 57, subpart 00 is amended as set forth below:

PART 57—GRANTS FOR CONSTRUCTION OF TEACHING FACILITIES, EDUCATIONAL IMPROVEMENTS, SCHOLARSHIPS AND STUDENT LOANS

Subpart 00—Grants for Geriatric Education Centers

1. The heading for subpart 00 is revised to read as set forth above.

2. The authority citation for subpart 00 is revised to read as follows:

Authority: Sec. 215 of the Public Health Service Act, 58 Stat. 690, 67 Stat. 631 (42 U.S.C. 216); sec. 788(d) of the Public Health Service Act, 99 Stat. 542 (42 U.S.C. 295g-8); redesignated as sec. 789(a), as amended by Pub. L. 100-607, 102 Stat. 3136-37 (42 U.S.C. 295g-9(a)); renumbered as sec. 777(a), as amended by Pub. L. 102-408, 106 Stat. 2052-54 (42 U.S.C. 294o).

§ 57.4001 [Amended]

3. Section 57.4001 is amended by revising the section number of the Act "789(a)" to read "777(a)".

4. Section 57.4002 is amended by revising the section number of the Act "701(13)" in the definition of *Allied health professional* to read "799(5)"; by revising the section numbers of the Act "701(4)" and "701(5)" respectively, in the definition of *Health professions schools* to read "799(1) (A), (B), (C), and (D)" and "799(1)(E)" respectively; by revising the section number of the Act "701(8)" in the definition of *Program for the training of physician assistants* to read "799(3)"; by revising the section number of the Act "701(10)" in the definition of *School of allied health* to read "799(4)"; by revising the section number of the Act "789(b)(3)" in the definition of *Training and retraining of faculty* to read "777(3)(A) and (B)"; and by adding the definitions of *Graduate program in clinical social work, Graduate program in mental health*

practice, and *School of nursing* to read as follows:

§ 57.4002 Definitions.

* * * * *

Graduate program in clinical social work and *graduate program in marriage and family therapy* means an accredited graduate program as defined in section 799(1)(C) of the Act.

Graduate program in mental health practice means a graduate program in clinical psychology, clinical social work, or marriage and family therapy (section 799(1)(D) of the Act).

* * * * *

School of nursing means a collegiate, associate degree, or diploma school of nursing in a State (section 853(2) of the Act).

* * * * *

5. Section 57.4004 is amended by redesignating paragraph (b) as paragraph (c); by removing the undesignated paragraph after paragraph (a)(6); and adding a new paragraph (b) to read as follows:

§ 57.4004 Program requirements.

* * * * *

(b) Projects must include one or more of the activities in paragraphs (a) (1) through (6) of this section for four or more types of health professionals as defined in § 57.4002 of this subpart.

* * * * *

6. Section 57.4005 is amended by revising the introductory text in paragraph (a) to read as follows:

§ 57.4005 How will applications be evaluated?

(a) As required by section 798(a) of the Act, each application for a grant under this subpart shall be submitted to a peer review group, composed principally of non-Federal experts, for an evaluation of the merits of the proposals made in the application. The Secretary may not approve such an application unless a peer review group has recommended the application for approval. The Secretary will decide which applications to approve by considering, among other factors:

* * * * *

7. Section 57.4006 is amended by revising paragraph (a) to read as follows:

§ 57.4006 How long does grant support last?

(a) The notice of grant award specifies the length of time the Secretary intends to support the project without requiring the project to recompete for funds. This period, called the project period, will not exceed 3 years. The maximum period of support, including the initial project period and competitive extensions, may not exceed 6 years.

* * * * *

[FR Doc. 93–30938 Filed 12–17–93; 8:45 am]

BILLING CODE 4160–15–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order No. 7023

[AK–932–4210–06; AA–17983, AA–14907, AA–16671]

Public Land Order No. 7009, Correction; Partial Revocation of Executive Order No. 4257, Dated June 27, 1925; Alaska

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order corrects the time period for which the State of Alaska may file a preference right of selection for certain lands described in Public Land Order No. 7009.

EFFECTIVE DATE: December 20, 1993.

FOR FURTHER INFORMATION CONTACT: Sue A. Wolfe, BLM Alaska State Office, 222 W. 7th Avenue, No. 13, Anchorage, Alaska 99513–7599, 907–271–5477.

By virtue of the authority vested in the Secretary of the Interior by section 204 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714 (1988), it is ordered as follows:

Public Land Order No. 7009, 57 FR 62041–62042, November 24, 1993, is hereby corrected as follows:

On page 62042, first column, paragraph 3, beginning at eighth line from the bottom, which reads "paragraph 1(a), for a period of ninety-one (91) days from the date of publication of this order, if such land is" is hereby corrected to read "paragraph 1(a), until close of business on January 3, 1994, if such land is".

On page 62042, second column, paragraph 4, third line from the top, which reads "At 10 a.m. on February 23, 1994," is hereby corrected to read "At 10 a.m. on January 4, 1994,".

Dated: December 15, 1993.

Bob Armstrong,

Assistant Secretary of the Interior.

[FR Doc. 93–31113 Filed 12–17–93; 8:45 am]

BILLING CODE 4310–JA–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 1

[FCC 93–510]

Oral Arguments In Rulemaking Procedures

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: By this action, the Commission amends its rules to delete the provision that in rulemaking proceedings, the Commission will notify parties by mail of oral arguments, hearings or such other proceedings that the Commission deems warranted. The intended effect of this rule change is to eliminate the requirement for notice by mail.

EFFECTIVE DATE: December 20, 1993.

FOR FURTHER INFORMATION CONTACT: James Mullins, Office of General Counsel, Federal Communications Commission (202) 254–6530.

SUPPLEMENTARY INFORMATION:

Order

In the matter of Amendment of Section 1.423 of the Commission's Rules

Adopted: November 19, 1993.
Released: December 14, 1993.
By the Commission:

1. We are amending § 1.423 of the Commission's Rules, 47 CFR 1.423, to delete its provision that, in rulemaking proceedings, the Commission will notify parties by mail of the time, place and nature of oral arguments, hearings or such other proceedings that the Commission deems warranted. Notice of any such proceedings will continue to be published in the **Federal Register**, as required by the Administrative Procedure Act, 5 U.S.C. 553(b).

2. Because the amendment adopted herein is a matter of agency organization, procedure or practice, the notice and comment and effective date provisions of the Administrative Procedure Act are not applicable. 5 U.S.C. 553(b)(A), (d).

3. Accordingly, it is ordered, That section 1.423 of the Commission's Rules, 47 CFR 1.423, is amended as set forth below effective upon publication in the **Federal Register**.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

List of Subjects in 47 CFR Part 1

Administrative practice and procedure, Reporting and recordkeeping requirements, Telecommunications.

Rule Change

PART 1—PRACTICE AND PROCEDURE

1. The authority citation for part 1 continues to read as follows:

Authority: Secs. 4, 303, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303: Implement, 5 U.S.C. 552 and 21 U.S.C. 853a, unless otherwise noted.

2. Section 1.423 is revised to read as follows:

§ 1.423 Oral argument and other proceedings.

In any rulemaking where the Commission determines that an oral argument, hearing or any other type of proceeding is warranted, notice of the time, place and nature of such proceeding will be published in the Federal Register.

[FR Doc. 93-30894 Filed 12-17-93; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[ET Docket No. 92-298; FCC 93-485]

Radio Broadcasting; Establishment of a Single AM Radio Stereophonic Transmitting Standard

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This Report and Order amends the AM stereophonic broadcasting technical requirements of the Commission's Rules. Specifically, we adopt technical standards that define the Motorola C-Quam system as the US AM radio stereophonic transmitting standard. This action responds to Section 214 of the Telecommunications Authorization Act of 1992, which requires the Commission to adopt a single AM broadcasting stereo transmission standard, and is taken to remove any remaining uncertainty among AM broadcasters as to which stereo system to use and thereby encourage the improvement and expansion of AM broadcast service.

EFFECTIVE DATE: March 21, 1994.

FOR FURTHER INFORMATION CONTACT: David L. Means, Office of Engineering and Technology, Authorization and Evaluation Division, (301) 725-1585, extension 206.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order in ET Docket 92-298, adopted October 25, 1993, and released November 24, 1993.

The complete text of this Report and Order (R&O) is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC, and also may be purchased from the Commission's copy contractor, International Transcription Services, at (202) 857-3800, 1919 M Street, NW., room 246, Washington, DC 20554.

Synopsis of Report and Order

1. In response to the requirements of Section 214 of the Telecommunications Authorization Act of 1992 that the Commission select a single AM radio stereophonic transmitting equipment standard, the Commission adopted a Notice of Proposed Rule Making (Notice) on December 10, 1992, 58 FR 05320, January 21, 1993. In the Notice, we proposed to adopt the Motorola C-Quam system as the AM stereo standard in view of the fact that this system appears to have become the *de facto* choice of the market. We observed that this system has become by far the predominant choice of AM stations choosing to convert to stereo, there are large numbers of existing receivers capable of decoding only C-Quam and receivers for other systems are generally unavailable. We also noted that the Motorola system has been adopted as the national standard in six other countries, while none had adopted the Kahn system, the only other system for which transmitting equipment is still available. We further indicated our belief that selection of an alternative system as the standard would set back the clock on the implementation of AM stereo service. We therefore stated that proponents of alternative systems would bear a heavy burden to show that the potential benefits of an alternate technology would outweigh the likely costs and delays of selection of a standard different than the Motorola system. Nevertheless, we invited submission of alternatives to the proposed standard. We also proposed to require stations currently employing the Kahn or Harris stereo systems to discontinue operations with those systems within one year of the effective date of the new rules. We sought comment on the degree of compatibility of the Harris system with the C-Quam system and whether stations using that system should be permitted to continue to do so indefinitely.

2. The final rules adopted here reflect our continued belief that the Motorola C-Quam system is the appropriate choice for the AM stereo standard. This system has proven to be technically acceptable for providing excellent quality AM stereo service at a price that is affordable to both broadcasters and consumers. We disagree with Kahn and other opposing parties that the Motorola system has serious technical deficiencies. We reject the premise that our decision on an AM stereo standard should be based solely on technical performance, particularly at this relatively late stage of the implementation of AM stereo. We believe it is entirely appropriate that we take into account that strong preference demonstrated in the market place for the Motorola system. We note that the market place takes into account not only technical parameters, but also other factors such as subjective performance, costs of broadcaster's initial conversion to stereo, reliability, service, ease of receiver design and performance, etc. We also believe it is incumbent upon us to consider the sunk costs in existing stereo transmission equipment, compatibility with millions of existing envelope detector receivers, and availability of compatible stereo receivers, as well as the potential for obsoleting the public's investment in existing stereo receivers. In this regard, we find that selection of a system other than Motorola's would result in substantial costs to broadcasters and consumers, and thus would be detrimental to the expansion of AM stereo service. We also do not agree that we should seek development of alternatives to the Kahn and Motorola systems. To do so would introduce significant delay and confusion without any assurance that a significantly better alternative could or would be forthcoming.

3. As regards Kahn's allegations of anticompetitive behavior, we are not persuaded, based on the materials in the record, that Motorola unfairly manipulated the marketplace to deny any segment of industry or the public a free choice. Further, we disagree with Kahn's contention that the Commission may not adopt the Motorola system standard without obtaining and reviewing the documents submitted (but then voluntarily withdrawn) by Kahn regarding allegations of antitrust activities.

4. We believe that the past nearly twelve years of unrestricted competition between the systems has given the public and the broadcast and receiver industries the opportunity to weigh the known technical performance considerations against other factors and to make appropriate personal and business decisions. We find that there has indeed been a convergence in the marketplace during these years toward the Motorola C-Quam system. Based on the overwhelming marketplace preference for the Motorola C-Quam system, and the long history of tests of this system, we believe the Motorola system will provide excellent AM stereo service. Accordingly, we conclude that the public interest is best served by adopting the Motorola C-Quam system as the AM stereo standard.

5. We have considered in the *R&O* whether stations currently employing

the Harris system were sufficiently compatible with C-Quam to continue using the Harris system indefinitely. Noting the clear Congressional mandate to adopt a single system, the lack of any specific opposition from broadcasters to our proposed transition schedule, and assurances from broadcast equipment manufacturers, including Harris, that full conversion to the C-Quam system is feasible, we are requiring stations that employ alternative systems for stereo operation to discontinue such operation as of one year from the effective date of these rules.

6. The Commission will permit stations that have been employing Kahn stereo exciters to implement the Kahn "POWER-side" mode of operation to continue to do so indefinitely, provided that the program material fed to both channels of the exciter is identical in content. Additionally, the Commission conditioned the selection of Motorola's system as the AM stereo standard by requiring Motorola to license its patents to other parties under fair and reasonable terms.

Final Regulatory Flexibility Analysis

7. Pursuant to the Regulatory Flexibility Act of 1980, the Commission's final analysis is as follows:

I. Need and purpose of this action:

This action is taken to select an AM stereophonic transmitting equipment standard, as required under Section 214 of the Telecommunications Authorization Act of 1992.

II. Summary of the issues raised by the public comments in response to the Initial Regulatory Flexibility Analysis:

There were no comments submitted in response to the Initial Regulatory Flexibility Analysis.

III. Significant alternatives considered:

The Notice of Proposed Rulemaking in this proceeding proposed to adopt the Motorola C-Quam system as the AM stereophonic transmitting standard. This proposal was supported by the industry associations for the broadcast and receiver industries, most broadcast equipment manufacturers who commented, and others. Comments were received from the proponent of the other currently viable AM stereo system and supporters of that system, primarily from the broadcast engineering community, either supporting the alternative system or suggesting further testing to determine technical superiority and use of such superiority as the primary criterion for system selection. We determined that: marketplace convergence on a single system should remain the primary basis for the decision, as proposed, that all the technically viable systems had been adequately tested previously, that the Motorola system provides high quality service to the public, and that there is no indication that the available alternative systems are significantly superior, if at all.

8. The secretary shall send a copy of this *Report and Order*, including the Final Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration in accordance with paragraph 603(a) of the Regulatory Flexibility Act (Pub. L. No. 96–354, 94 Stat. 1164, 5 U.S.C. Section 601 *et seq*., (1981)).

9. Accordingly, *it is ordered*, that part 73 of the Commission's Rules and Regulations *is Amended* as specified below, effective on March 21, 1994. *It is further ordered*, That this proceeding is Terminated. This action is taken pursuant to Sections 4(i), 4(j), and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. Sections 154(i), 154(j), and 303(r), and Section 214 of the Telecommunications Authorization Act of 1992, Pub. L. 102–538 (1992).

List of Subjects in 47 CFR Part 73:

Radio broadcasting.

Amendatory Text

Part 73 of Title 47 of the Code of Federal Regulations is amended as follows:

PART 73—RADIO BROADCAST SERVICES

1. The authority citation in part 73 continues to read:

Authority: 47 U.S.C. 154, 303.

2. Section 73.128 is revised to read as follows:

§ 73.128 AM Stereophonic Broadcasting.

(a) An Am broadcast station may, without specific authority from the FCC, transmit stereophonic programs upon installation of type accepted stereophonic transmitting equipment and the necessary measuring equipment to determine that the stereophonic transmissions conform to the modulation characteristics specified in paragraphs (b) and (c) of this section. Stations transmitting stereophonic programs prior to March 21, 1994 may continue to do so until March 21, 1995 as long as they continue to comply with the rules in effect prior to March 21, 1994.

(b) The following limitations on the transmitted wave must be met to insure compliance with the occupied bandwidth limitations, compatibility with AM receivers using envelope detectors, and any applicable international agreements to which the FCC is a party:

(1) The transmitted wave must meet the occupied bandwidth specifications of § 73.44 under all possible conditions of program modulation. Compliance with requirement shall be demonstrated either by the following specific modulation tests or other documented test procedures that are to be fully described in the application for type acceptance and the transmitting equipment instruction manual. (See § 2.983(d)(8) and (j)).

(i) Main channel (L+R) under all conditions of amplitude modulations for the stereophonic system but not exceeding amplitude modulation on negative peaks of 100%.

(ii) Stereophonic (L−R) modulated with audio tones of the same amplitude at the transmitter input terminals as in paragraph (b)(i) of this section but with the phase of either the L or R channel reversed.

(iii) Left and Right Channel only, under all conditions of modulation for the stereophonic system in use but not exceeding amplitude modulation on negative peaks of 100%.

(c) Effective on December 20, 1994, stereophonic transmissions shall conform to the following additional modulation characteristics:

(1) The audio response of the main (L+R) channel shall conform to the requirements of the ANSI/EIA–549–1988, NRSC–1 AM Preemphasis/Deemphasis and Broadcast Transmission Bandwidth Specifications (NRSC–1).

(2) The left and right channel audio signals shall conform to frequency response limitations dictated by ANSI/EIA–549–1988.

(3) The stereophonic difference (L−R) information shall be transmitted by varying the phase of the carrier in accordance with the following relationship:

$$\phi = \tan^{-1}\left(\frac{m(L(t)-R(t))}{1+m(L(t)+R(t))}\right)$$

where:

L(t)=audio signal left channel,
R(t)=audio signal right channel,
m=modulation factor, and
$m_{peak}(L(t)+R(t))=1$ for 100% amplitude modulation,
$m_{peak}(L(t)-R(t))=1$ for 100% phase modulation.

(4) The carrier phase shall advance in a positive direction when a left channel signal causes the transmitter envelope to be modulated in a positive direction. The carrier phase shall likewise retard (negative phase change) when a right channel signal causes the transmitter envelope to be modulated in a positive direction. The phase modulation shall be symmetrical for the condition of difference (L−R) channel information sent without the presence of envelope modulation.

(5) Maximum angular modulation, which occurs on negative peaks of the left or right channel with no signal present on the opposite channel (L(t)=−0.75, R(t)=0, or R(t)=−0.75, L(t)=0) shall not exceed 1.25 radians.

(6) A peak phase modulation of +/−0.785 radians under the condition of difference (L−R) channel modulation and the absence of envelope (L+R) modulation and pilot signal shall represent 100% modulation of the difference channel.

(7) The composite signal shall contain a pilot tone for indication of the presence of stereophonic information. The pilot tone shall consist of a 25 Hz tone, with 3% or less total harmonic distortion and a frequency tolerance of +/− 0.1 H_2, which modulates the carrier phase +/− 0.05 radians peak, corresponding to 5% L−R modulation when no other modulation is present. The injection level shall be 5%, with a tolerance of +1, −1%.

(8) The composite signal shall be described by the following expression:

$$E_c = A_c\left[1 + m\sum_{n=1}^{\infty} C_{sn}\cos(\omega_{sn}t + \phi_{sn})\right]\cdot$$

$$\cos\left[\omega_c t + \tan^{-1}\frac{m\sum_{n=1}^{\infty} C_{dn}\cos(\omega_{dn}t + \phi_{dn}) + .05\sin 50\pi t}{1 + m\sum_{n=1}^{\infty} C_{sn}\cos(\omega_{sn}t + \phi_{sn})}\right]$$

where:

A=the unmodulated carrier voltage
m=the modulation index
C_{sn}=the magnitude of the nth term of the sum signal
C_{dn}=the magnitude of the nth term of the difference signal
ω_{sn}=the nth order angular velocity of the sum signal
ω_{dn}=the nth order angular velocity of the difference signal
ω_c=the angular velocity of the carrier

$$\phi_{sn} = \text{the angle of the nth order term} = \tan^{-1}\left[\frac{B_{sn}}{A_{sn}}\right]$$

$$\phi_{dn} = \text{the angle of the nth order term} = \tan^{-1}\left[\frac{B_{dn}}{A_{dn}}\right]$$

A_{sn} and B_{sn} are the n^{th} sine and cosine coefficients of C_{sn}

A_{dn} and B_{dn} are the n^{th} sine and cosine coefficients of C_{dn}

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 93–30893 Filed 12–17–93; 8:45 am]

BILLING CODE 6712–01–M

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Part 171

[Docket No. HM–181G; Amendment No. 171–124]

RIN 2137–AC36

Infectious Substances; Extension of Compliance Date

AGENCY: Research and Special Programs Administration (RSPA), DOT.

ACTION: Final rule; extension of compliance date.

SUMMARY: On March 3, 1993, RSPA published an advance notice of proposed rulemaking that asked questions and solicited comments on infectious substances and regulated medical waste (RMW) transportation issues. In this document, RSPA is extending the compliance date for classification, hazard communication, and packaging requirements applicable to infectious substances and RMW from January 1, 1994, to October 1, 1994, in order to provide additional time to

consider the issues raised in the advance notice and comments to it.

EFFECTIVE DATE: This amendment is effective on December 20, 1993.

FOR FURTHER INFORMATION CONTACT: Ms. Eileen Martin or Ms. Jennifer Posten, Office of Hazardous Materials Standards, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590-0001, telephone: (202) 366-4488.

SUPPLEMENTARY INFORMATION: On December 21, 1990, RSPA issued a final rule under Docket HM-181 (55 FR 52402) which comprehensively revised the Hazardous Materials Regulations (HMR) with respect to classification, hazard communication, and packaging requirements. A document making editorial and substantive revisions to the December 1990 final rule was published on December 20, 1991 (56 FF 66124). The revisions contained in the latter document were primarily in response to over 250 petitions for reconsideration received on the December 21, 1990 final rule.

Following issuance of the December 1991 rule, RSPA received two additional petitions for reconsideration and numerous comments and requests for clarification concerning provisions applicable to infectious substances and regulated medical waste. On October 1, 1992 (57 FR 45442), 49 CFR 171.14(b) was revised to establish a compliance date of April 1, 1993, rather than October 1, 1992, for new requirements applicable to infectious substances. On March 3, 1993, RSPA issued an advance notice of proposed rulemaking (ANPRM) and announced a public hearing under Docket HM-181G (58 FR 12207) concerning the need for additional regulatory changes pertaining to infectious substances. Additionally, on March 3, 1993, under Docket HM-181 (58 FR 12182), RSPA extended the compliance date for provisions applicable to infectious substances from April 1, 1993, to January 1, 1994, to provide time to evaluate the comments received in response to the ANPRM. The advance notice addressed a number of complex issues, pertaining to scope of regulation, consistency with regulations of other agencies, the need for revised standards for non-bulk and bulk packagings, and defining criteria for infectious substances and regulated medical wastes. Comments to the docket expressed a wide variety of opinions and recommendations, often conflicting, that RSPA must analyze. There is insufficient time for RSPA to complete its evaluation prior to the January 1, 1994 compliance date. Therefore, in this document RSPA is revising 49 CFR 171.14 to extend the compliance date applicable to infectious substances to October 1, 1994.

During the transition period provided in § 171.14, a person may comply with either the applicable "old" requirements of the HMR (i.e., those which were in effect on September 30, 1991) or the current requirements adopted under HM-181. If a material is an etiologic agent under the old regulations and does not meet any of the old exceptions, it must conform to either the old requirements (i.e., must be described, labeled and packaged as an "etiologic agent") or the current requirements of the HMR for "infectious substances." (Note that § 171.14(c)(3) provides for limited intermixing of old and new requirements). If a material meets the new "infectious substance" definition but not the old "etiologic agent" definition, it may be shipped in accordance with the new requirements, but compliance is not mandatory until October 1, 1994.

Because the amendments adopted herein extend the compliance date of certain regulations, and impose no new regulatory burden on any person, notice and comment are unnecessary. For these same reasons, these amendments are being made effective without the usual 30-day delay following publication.

Rulemaking Analyses and Notices

Executive Order 12866 and DOT Regulatory Policies and Procedures

This final rule is not considered a significant regulatory action under section 3(f) of Executive Order 12866 and, therefore, is not subject to review by the Office of Management and Budget. Although the underlying rule was significant under the regulatory policies and procedures of the Department of Transportation (44 FR 11034), this action is not significant because it does not impose additional requirements and has the effect of extending a compliance date.

Executive Order 12612

This action has been analyzed in accordance with Executive Order 12612 on Federalism. It has no substantial direct effect on the States, the current Federal-State relationship, or the current distribution of power and responsibilities among levels of government. Therefore, no Federalism Assessment is required.

Regulatory Flexibility Act

Based on information concerning the size and nature of entities likely to be affected by this rule, I certify that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Paperwork Reduction Act

This amendment does not impose information collection or recordkeeping requirements.

List of Subjects in 49 CFR Part 171

Exports, Hazardous materials transportation, Hazardous waste, Imports, Incorporation by reference, Reporting and recordkeeping requirements.

In consideration of the foregoing, 49 CFR part 171 is amended as set forth below:

PART 171—GENERAL INFORMATION, REGULATIONS, AND DEFINITIONS

1. The authority citation for part 171 continues to read as follows:

Authority: 49 App. U.S.C. 1802, 1803, 1804, 1805, 1808, 1818; 49 CFR part 1.

2. In § 171.14, paragraph (b)(5) is removed and reserved and paragraph (b)(6)(iii) is added to read as follows:

§ 171.14 Transitional provisions for implementing requirements based on the UN Recommendations.

* * * * *

(b) * * *

(5) (Reserved).

(6) * * *

(iii) All applicable regulatory requirements, including those pertaining to classification, (see § 173.134 of this subchapter), hazard communication, and packaging for Division 6.2 materials (infectious substances, including regulated medical waste) are effective.

* * * * *

Issued in Washington, DC on December 15, 1993, under authority delegated in 49 CFR part 1.

Rose A. McMurray,

Acting Administrator.

[FR Doc. 93-30988 Filed 12-17-93; 8:45 am]

BILLING CODE 4910-60-P

Proposed Rules

Federal Register
Vol. 58, No. 242
Monday, December 20, 1993

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Parts 301 and 319

[Docket No. 93–077–1]

Unshu Oranges from Japan

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: We are proposing to amend the regulations governing the importation and interstate movement of Unshu oranges from Japan by allowing this fruit to be moved into or through the States of Alabama, Georgia, Mississippi, Nevada, New Mexico, North Carolina, and South Carolina. These States are not commercial citrus-producing States, and, therefore, would not be threatened by the possibility of infection with citrus canker from the Japanese Unshu oranges. This action would expand the area into which Unshu oranges may be imported and moved interstate.

DATES: Consideration will be given only to comments received on or before January 19, 1994.

ADDRESSES: Please send an original and three copies of your comments to Chief, Regulatory Analysis and Development, PPD, APHIS, USDA, room 804, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782. Please state that your comments refer to Docket No. 93–077–1. Comments received may be inspected at USDA, room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. Persons wishing to inspect comments are encouraged to call ahead on (202) 690–2817 to facilitate entry into the comment reading room.

FOR FURTHER INFORMATION CONTACT: Mr. Peter Grosser, Senior Operations Officer, Plant Protection and Quarantine, APHIS, USDA, room 632, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436–6799.

SUPPLEMENTARY INFORMATION:

Background

Citrus canker is a disease which affects citrus, and is caused by the infectious bacterium *Xanthomonas campestris* pv. *citri* (Hasse) Dye. The strain of citrus canker that occurs in Japan infects the twigs, leaves, and fruit of a wide spectrum of *Citrus* species.

Currently, the regulations in 7 CFR parts 301.83 and 319.28 prohibit the importation and interstate movement of Japanese Unshu oranges into or through the commercial citrus-producing States of American Samoa, Arizona, California, Florida, Louisiana, the Northern Mariana Islands, Puerto Rico, Texas, and the Virgin Islands of the United States, as well as "buffer" States near the continental commercial citrus-producing States (Alabama, Georgia, Mississippi, Nevada, New Mexico, North Carolina, and South Carolina), to help prevent the introduction and dissemination of citrus canker.

The Ministry of Agriculture of Japan has requested that we allow the importation of Unshu oranges grown in Japan into any part of the United States. We have never detected citrus canker on any shipments of Unshu oranges from Japan imported into the United States. Nevertheless, our experience with citrus canker at this time does not convince us that the importation of Unshu oranges from Japan into commercial citrus-producing areas of the United States would be entirely without significant risk. The regulations in § 319.28 impose strict safeguards on Unshu oranges imported from Japan to prevent the dissemination of citrus canker. With these safeguards, we believe that it is not necessary to continue the prohibition on the importation and interstate movement of Japanese Unshu oranges into or through States that are not commercial citrus-producing States.

According to the regulations in § 319.28(b), to qualify for importation into the United States, the oranges, among other things, must be grown and packed in isolated, canker-free export areas where only Unshu orange trees are grown. These areas must be surrounded by a disease-free buffer zone in which only certain varieties of citrus may be grown. Both Japanese and U.S. officials inspect the trees and oranges in the groves prior to and during harvest and during packing operations. Before packing, the Unshu oranges must be given a USDA-prescribed surface sterilization. Then, they must be wrapped in tissue paper and packed in boxes, and both the tissue paper and boxes must have stamped or printed on them a statement specifying the States into which the Unshu oranges may be imported and from which they are prohibited removal under a Federal plant quarantine. The oranges must also be accompanied by a certificate from the Japanese Plant Protection Service certifying that the fruit is apparently free of citrus canker. Finally, the Unshu oranges are subject to a final examination at the port of arrival in the United States by U.S. Department of Agriculture inspectors to determine their freedom from citrus canker. These existing safeguards appear adequate to ensure that the Unshu oranges would not disseminate citrus canker if permitted into the proposed additional States.

Furthermore, regulations to prevent the interstate spread of citrus canker by domestic citrus fruit, found in 7 CFR 301.75, state that citrus fruit may not be moved interstate from an area quarantined because of citrus canker into any commercial citrus-producing area. These regulations do not prohibit the movement of citrus into other areas, including the "buffer" States of Alabama, Georgia, Mississippi, Nevada, New Mexico, North Carolina, and South Carolina. The regulations in § 301.75 have been successful in preventing the dissemination of citrus canker in the United States. Similarly, allowing Unshu oranges grown in Japan to be moved into or through these "buffer" States should not pose a significant risk of spreading citrus canker.

Therefore, we are proposing to amend the regulations in § 301.83 to allow Unshu oranges grown in Japan to be moved interstate into or through the States of Alabama, Georgia, Mississippi, Nevada, New Mexico, North Carolina, and South Carolina. We are also proposing to amend the regulations in § 319.28, paragraphs (b) and (b)(6), to allow Unshu oranges to be imported from Japan into the States of Alabama, Georgia, Mississippi, Nevada, New Mexico, North Carolina, and South Carolina. We believe these amendments would not increase the risk of spreading citrus canker into non-infected areas of the United States.

Miscellaneous

We are also proposing to amend § 319.28(a) of the regulations by changing the scientific name shown in that paragraph for citrus canker from *Xanthomonas citri* (Hasse) Dowson to *Xanthomonas campestris* pv. *citri* (Hasse) Dye. This change is necessary to reflect the scientific nomenclature currently acceptable for citrus canker.

Executive Order 12866 and Regulatory Flexibility Act

We are issuing this proposed rule in conformance with Executive Order 12866.

Currently, Unshu oranges from Japan are only imported into the United States by one large Canadian company. There are no small businesses (defined as having 100 or fewer employees by the Small Business Administration) in the United States that import Unshu oranges from Japan.

Unshu oranges are a premium product aimed at a luxury market. They are available for only a short time each year (late November into December). Their main competition in the United States is tangerines. In FY 1992, 3 million pounds of Unshu oranges were imported into the United States from Japan. In the 1991–92 growing season, close to 380 million pounds of tangerines were produced in Arizona, California, and Florida. The Unshu orange competes most directly with the domestically grown satsuma tangerine, but the number and size of satsuma producers is not known.

APHIS does not expect importation of Unshu oranges from Japan to increase significantly as a result of this proposed rule change. Unshu oranges have not become very popular in the United States because they are not as sweet as the American counterpart, the satsuma tangerine, and they are more expensive. Unshu oranges average $15–17 for an 8-pound box, while domestically grown satsuma tangerines average $3–5 per 8-pound box. Consequently, it is not expected that allowing Unshu oranges into seven new States would have a significant economic effect on small domestic growers of the satsuma tangerine.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action would not have a significant economic impact on a substantial number of small entities.

Executive Order 12778

This proposed rule would allow Unshu oranges to be imported into additional States in the United States from Japan. If this proposed rule is adopted, State and local laws and regulations regarding Unshu oranges imported under this rule would be preempted while the fruit is in foreign commerce. Fresh Unshu oranges are generally imported for immediate distribution and sale to the consuming public, and would remain in foreign commerce until sold to the ultimate consumer. The question of when foreign commerce ceases in other cases must be addressed on a case-by-case basis. If this proposed rule is adopted, no retroactive effect will be given to this rule, and this rule will not require administrative proceedings before parties may file suit in court challenging this rule.

Paperwork Reduction Act

This proposed rule contains no information collection or recordkeeping requirements under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

List of Subjects

7 CFR Part 301

Agricultural commodities, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements, Transportation.

7 CFR Part 319

Bees, Coffee, Cotton, Fruits, Honey, Imports, Incorporation by reference, Nursery stock, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements, Rice, Vegetables.

Accordingly, 7 CFR parts 301 and 319 would be amended as follows:

PART 301—DOMESTIC QUARANTINE NOTICES

1. The authority citation for part 301 would continue to read as follows:

Authority: 7 U.S.C. 150bb, 150dd, 150ee, 150ff; 161, 162, and 164–167; 7 CFR 2.17, 2.51, and 371.2(c).

§ 301.83 [Amended]

2. In § 301.83, paragraph (b) would be amended by removing "Alabama," "Georgia," "Mississippi, Nevada, New Mexico, North Carolina," and "South Carolina,".

PART 319—FOREIGN QUARANTINE NOTICES

3. The authority citation for part 319 would be revised to read as follows:

Authority: 7 U.S.C. 150dd, 150ee, 150ff, 151–167, 450; 21 U.S.C. 136 and 136a; 7 CFR 2.17, 2.51, and 371.2(c).

§ 319.28 [Amended]

4. In § 319.28, paragraph (a) would be amended by removing the words "*Xanthomonas citri* (Hasse) Dowson" and adding "*Xanthomonas campestris* pv. *citri* (Hasse) Dye" in their place.

§ 319.28 [Amended]

5. In § 319.28, the introductory text in paragraph (b), and paragraph (b)(6) would be amended by removing "Alabama," "Georgia," "Mississippi, Nevada, New Mexico, North Carolina," and "South Carolina,".

Done in Washington, DC, this 14th day of December 1993.

Patricia Jensen,

Deputy Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 93–30914 Filed 12–17–93; 8:45 am]

BILLING CODE 3410–34–P

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7 CFR Parts 319 and 321

[Docket No. 93–021–2]

RIN 0579–AA60

Importation of Potatoes From Canada

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: We are proposing to remove the foreign quarantine notices and the regulations concerning the importation of potato plants and tubers from Canada that were established to prevent the introduction of the necrotic strain of potato virus Y (PVY^n) into the United States. The United States and Canada have agreed upon a PVY^n management plan that relies on seed potato testing and certification. It appears that implementation of the Canada/United States PVY^n Management Plan would protect U.S. agriculture from potential risks imposed by PVY^n, and that Federal regulations that apply to potatoes from Canada with respect to PVY^n would no longer be necessary. This proposed rule would relieve unnecessary and burdensome restrictions on the importation of potatoes from Canada.

DATES: Consideration will be given only to comments received on or before January 19, 1994.

ADDRESSES: Please send an original and three copies of your comments to Chief, Regulatory Analysis and Development, PPD, APHIS, USDA, room 804, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782. Please state that your comments refer to Docket No. 93–021–2. Comments received may be inspected at USDA, room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. Persons wishing to inspect comments are encouraged to call ahead on (202) 690–2817 to facilitate entry into the comment reading room.

FOR FURTHER INFORMATION CONTACT: Mr. James Petit de Mange, Operations Officer, Port Operations Staff, Plant Protection and Quarantine, APHIS, USDA, room 632, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436–8645.

SUPPLEMENTARY INFORMATION:

Background

In 1991 a potato virus that presents a plant pest risk was identified in potatoes in New Brunswick and Prince Edward Island, Canada. The necrotic strain of potato virus Y (PVY^{n}) (also known as tobacco veinal necrosis strain) can infect potatoes, tobacco, tomatoes, and peppers. The PVY^{n} virus is spread slowly in nature by aphids feeding on infected plants and transmitting the virus to healthy plants. Long-distance spread of the disease has resulted from the movement of infected potatoes. The Animal and Plant Health Inspection Service promulgated several emergency regulations over a 3-year period, restricting the importation into the United States of Canadian potatoes.

The regulations in 7 CFR 319.37, "Subpart—Nursery Stock, Plants, Roots, Bulbs, Seeds, and Other Plant Products" (referred to below as the nursery stock regulations) govern the importation of living plants, plant parts, and seeds for or capable of propagation, and related articles.

Under the current nursery stock regulations, potato plants (other than tubers and true seeds) from the Canadian provinces of New Brunswick, Nova Scotia, Ontario, Prince Edward Island, and Quebec are prohibited importation into the United States. It was necessary to prohibit the importation of potato plants from these provinces, where PVY^{n} had been detected, because we had no way to trace potato plants to determine whether or not they were from infected sources or were grown in proximity to infected sources.

The regulations in 7 CFR part 321 (referred to below as the regulations) restrict the importation of potatoes from foreign countries, to prevent the introduction into the United States of injurious potato diseases and insect pests.

The regulations were most recently amended by an interim rule effective February 24, 1993, and published in the **Federal Register** on March 2, 1993 (58 FR 11957–11959, Docket No. 93–021–1).

Under the current regulations, seed potatoes not otherwise prohibited importation into the United States from Canada may be imported into the United States if they are not known to be infected with PVY^{n}, related to potatoes known to be infected with PVY^{n}, or from fields located near potential sources of PVY^{n}.

The current regulations provide that table stock and processing potatoes grown in New Brunswick, Ontario, or Prince Edward Island may be imported from Canada into the United States if they meet the requirements described above for seed potatoes or if they are not known to be infected with PVY^{n} and are treated with the sprout inhibitors chlorpropham and/or maleic hydrazide, or both, in accordance with the rates and manner specified on the product label.

Comments on the March interim rule were required to be received on or before May 3, 1993. We received no comments prior to the closing date. However, representatives from Federal, State, and provincial governments in the United States and Canada, as well as representatives from the potato industries in both countries, have been seeking ways in which to relieve what has become a regulatory burden and, at the same time, protect the tobacco industry from potential effects from PVY^{n}. This group has developed the Canada/United States PVY^{n} Management Plan (referred to below as the management plan).

Canada/United States PVY^{n} Management Plan

The management plan is now a mandatory part of the Canadian seed potato certification system in all seed potato producing provinces. Participation is optional in the United States. The management plan calls for testing seed potatoes for PVY^{n} in early generations and mandates the removal of infected seedlots from seed potato production, thus eliminating the chance for proliferation in subsequent years. The management plan offers a cost effective method of PVY^{n} control in the potato industry through seed potato certification and the use of "flush through" seed potato production systems. "Flush through" refers to a seed potato production system which limits the number of growing seasons a lot of seed potatoes may be planted and grown. Limiting the number of seasons a seed lot may be planted helps prevent against the buildup of viruses and other disease causing organisms in the potatoes. The testing requirements in the management plan can detect the presence of PVY^{n} in a field of potatoes 95 percent of the time when 0.75 percent, or more, of the potatoes in the field are infected. Copies of the management plan may be obtained by writing to the contact person named above.

All seed potatoes grown in Canada are now being produced to meet the management plan requirements. Furthermore, all Canadian table stock and processing potatoes originate from seed potatoes grown under the management plan requirements. Since Canadian seed potatoes produced under the management plan would be imported with little or no risk to U.S. agriculture, we do not perceive any PVY^{n} threat from Canadian table stock and processing potatoes imported into the United States.

The Animal and Plant Health Inspection Service (APHIS) feels very positively about these new steps Canada is taking to control the spread of PVY^{n} in Canada. The management plan has been endorsed as an effective method for handling PVY^{n} in North America by the National Plant Board in the United States (an organization made up of State plant regulatory officials), as well as the potato industry and seed potato certifying agencies in both the United States and Canada. Through seed potato virus prevention and control, the risk associated with table stock and processing potatoes becomes insignificant. Stringent testing in Canadian provinces with the virus since 1990 and elimination of infected potatoes have established this extremely low-risk status.

Therefore, we propose to remove the regulations concerning foreign quarantine notices and the importation of potato plants and tubers from Canada that were established to prevent the introduction of the necrotic strain of potato virus Y (PVY^{n}) into the United States. The management plan, as implemented by the seed potato certifying agencies in Canada and the United States, provides continued protection against PVY^{n}. Potatoes grown in Newfoundland and the Land District of South Saanich on Vancouver Island of British Columbia would continue to be prohibited importation into the United States because of possible infection with golden namatode (*Globodera rostochiensis*).

We are also proposing to correct the table in § 319.37–2, "Prohibited

Articles," by replacing language concerning "*Solanum* spp. * * *" that was inadvertently removed in a previous action.

Executive Order 12866 and Regulatory Flexibility Act

This proposed rule was reviewed under Executive Order 12866.

Canadian imports of potatoes to the United States vary from year to year depending upon market conditions in both countries. Canadian potato-producing provinces produced only approximately 8.5 percent as many potatoes as were produced in the United States in 1992, prior to the imposition of our March 2, 1993, interim rule. Canada is also a major export market for U.S. potatoes.

U.S. imports of Canadian potatoes declined between 1990 and 1992. This decline in imports did not result in increased prices of these products in the United States. Domestic prices are influenced more by the volume of U.S. production. Statistics indicate that a slight increase or decrease in imports would have very little or no effect on domestic prices since the volume of imports is small compared to U.S. production. In addition, potato demand and supply are not highly responsive to price changes.

Although the effects would be minimal, the entities that would be most affected by this proposed rule include U.S. potato producers, importers, and processing plants. Although it is not possible to determine the total number of entities within these categories which can be classified as small entities, over 64 percent of all potato growers and 94 percent of U.S. fruit and vegetable processing firms could be considered small by Small Business Administration guidelines. The negative impact on U.S. producers due to increased imports is likely to be small since U.S. prices are more influenced by domestic production and market conditions than by imports. Any negative impact is likely to be offset by a positive impact upon importers, exporters, potato processing firms, and consumers. The increased availability of Canadian potatoes would benefit potato farmers, shippers, importers, wholesalers, and retailers as well as potato processing firms. Consumers would be positively affected by slightly lowered prices.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action would not have a significant economic impact on a substantial number of small entities.

Executive Order 12778

This proposed rule would allow potatoes to be imported into the United States from Canada. If this proposed rule is adopted, State and local laws and regulations regarding potatoes imported under this rule would be preempted while the vegetable is in foreign commerce. Fresh potatoes are generally imported for immediate distribution and sale to the consuming public, and would remain in foreign commerce until sold to the ultimate consumer. The question of when foreign commerce ceases in other cases must be addressed on a case-by-case basis. If this proposed rule is adopted, no retroactive effect will be given to this rule, and this rule will not require administrative proceedings before parties may file suit in court challenging this rule.

Paperwork Reduction Act

This proposed rule contains no information collection or recordkeeping requirements under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

List of Subjects

7 CFR Part 319

Bees, Coffee, Cotton, Fruits, Honey, Imports, Nursery stock, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements, Rice, Vegetables.

7 CFR Part 321

Imports, Plant diseases and pests, Potatoes, Quarantine, Reporting and recordkeeping requirements.

Accordingly, 7 CFR parts 319 and 321 would be amended to read as follows:

PART 319—FOREIGN QUARANTINE NOTICES

1. The authority citation for part 319 would continue to read as follows:

Authority: 7 U.S.C. 150dd, 150ee, 150ff, 151–167, 450; 21 U.S.C. 136 and 136a; 7 CFR 2.17, 2.51, and 371.2(c).

2. In § 319.37–2, paragraph (a), the table, the first entry for "Solanum spp." would be revised to read as follows:

§ 319.37–2 Prohibited articles.

(a) * * *

Prohibited article (except seed unless specifically mentioned)	Foreign country(ies) or locality(ies) from which prohibited	Tree, plant, or fruit disease, or injurious insect, or other plant pest determined as existing in the places named and capable of being transported with the prohibited article
* *	* * *	* *
Solanum spp. (potato) (tuber bearing species only—Section Tuberarium) (excluding potato tubers which are subject to 7 CFR part 321)..	All except Canada.	* * *
* *	* * *	* *

PART 321—RESTRICTED ENTRY ORDERS

3. The authority citation for part 321 would be revised to read as follows:

Authority: 7 U.S.C. 136, 136a, 154, 159, and 162; 44 U.S.C. 35; 7 CFR 2.17, 2.51, and 371.2(c).

§ 321.2 [Amended]

4. Section 321.2 would be revised by removing the definitions for *Processing potato, Seed lot, Seed potato, Sibling potatoes*, and *Table stock.*

5. The section heading for § 321.8 would be revised to read "§ 321.8 Importation of potatoes from Bermuda."

6. Section 321.9 would be revised to read as follows:

§ 321.9 Importation of potatoes from Canada.

Potatoes grown in Canada may be imported from Canada into the United States free of restrictions, except that potatoes grown in Newfoundland and the Land District of South Saanich on Vancouver Island of British Columbia may not be imported.

Done in Washington, DC, this 14th day of December 1993.

Patricia Jensen,

Deputy Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 93–30913 Filed 12–17–93; 8:45 am]

BILLING CODE 3410–34–P

Agricultural Stabilization and Conservation Service

7 CFR Part 704

Commodity Credit Corporation

7 CFR Part 1410

RIN 0560–AD54

Non-Emergency Haying and Grazing on Conservation Reserve Program Grasslands

AGENCY: Agricultural Stabilization and Conservation Service, and Commodity Credit Corporation, USDA.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Department of Agriculture (USDA) gives notice that it is considering preparing and issuing a proposed rule to revise Conservation Reserve Program (CRP) regulations to allow limited and periodic non-emergency haying and grazing of CRP grasslands under specified conditions. The intended effects of such a proposal would be to increase the wildlife benefits of the program and improve cover quality on CRP grasslands. The Agricultural Stabilization and Conservation Service (ASCS) requests comments and suggestions from the public on the feasibility of the proposal under consideration and on the specific issues that would have to be addressed in implementing such a proposal including, but not limited to, those issues mentioned in this notice. Supporting data for comments would be helpful.

DATES: Comments must be submitted on or before January 19, 1994, to be assured of consideration.

ADDRESSES: Comments should be sent to Director, Natural Resources Analysis Division, ASCS, P.O. Box 2415, Washington, DC 20013–2415. All written comments received in response to this advance notice will be available for public inspection in room 3739, South Building, 14th Street and Independence Avenue, SW., Washington, DC, between 7:30 a.m. and 4 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Thomas L. Browning, Director, Natural Resources Analysis Division, ASCS, P.O. Box 2415, Washington, DC 20013–2415. Phone 202–720–9685.

SUPPLEMENTARY INFORMATION:

I. Background

The CRP is provided for in subtitle D of title XII of the Food Security Act of 1985 ("the Act"), as amended, 16 U.S.C. 3830 *et seq.* The CRP is administered by USDA, through the Commodity Credit Corporation (CCC) and the ASCS. In the CRP, CCC makes annual rental payments to persons who convert cropland to a conservation cover for a 10- or 15-year period. The program is voluntary. There are more than 36 million acres enrolled in the program. There are more than 300,000 existing contracts. The proposal under consideration would allow approved participants, under strict conditions, to hay or graze in non-emergency situations in order to provide for better maintenance of the cover crop and to allow for better conditions for wildlife.

Generally, the Act, in sections 1232(a)(3) and 1232(a)(7), requires that no commercial use may be made of the CRP ground and that, in particular, no haying or grazing will be permitted except as allowed by the Secretary in response to a drought or similar emergency or in other specialized cases identified in section 1232(a)(7). Further, however, section 1235(c)(2), without reference to disasters, broadly allows the Secretary to permit production of "agricultural commodities" on CRP land under conditions that the Secretary may specify. "Agricultural commodities," as defined for subtitle D by section 1201 of the Act, for CRP purposes only, includes:

(i) Sugarcane and

(ii) Annually-tilled crops.

By this definition, perennial forage crops are not "agricultural commodities" and thus do not appear to be covered by section 1235(c)(2). Nonetheless, section 1235(c)(1), by its plain language, allows contract modifications (modifications from the terms that would otherwise be required by section 1232) that serve the overall goals (conservation) of the program. Given the referenced provisions in the Act dealing with forage, consideration of the proposal suggested in this notice would take into account the market effect, if any, of the proposed use. The purposes of the CRP include, as set out in sections 1230 and 1231 of the Act, the improvement of the soil and water resources of the enrolled land, including the wildlife-fostering resources of the land. Use of CRP ground for wildlife habitats is one of several favored uses of CRP ground, under the terms of the statute, as section 1231 provides for relieving ground to be enrolled for that purpose from some of the eligibility criteria that would otherwise have to be met by land offered for enrollment.

With proper management and controls, appropriate harvesting on CRP lands could benefit wildlife food availability and habitat by limiting the growth of weeds and undesirable woody plant species. Periodic harvesting would also help to increase the sustainability and improve the quality of the grass cover crop for the 10-year contract period and beyond.

II. General Conditions of Proposal

It is contemplated, for comment, that non-emergency harvesting would be implemented only under certain general conditions and that a pilot program could be implemented if there were strong concerns about whether the limitations on use could be effectively applied. Subject to amendment, the expected general limitations on the allowance would be as follows, though others could be added. First, harvesting would be carried out under an approved management plan that includes specific timing and harvest requirements that do not disturb nesting and fawning activities, leaves sufficient protective ground cover remaining for wildlife immediately after harvest, and allows sufficient regrowth to protect the sustainability of the grass cover and provide wildlife cover during winter and early spring. Second, a compensation offset (e.g., a reduction in rental payments, an unpaid extension of the contract) would be imposed to discourage non-beneficial harvesting, to balance any economic advantages CRP contract holders gain from the harvest, and to reduce the public expense involved. Third, local livestock and forage markets should not be unduly impacted by the harvesting activities. Finally, all harvesting would be monitored closely by local officials to ensure that the activities are carried out according to approved guidelines and that the desired benefits are likely to be realized.

III. Additional Provisions

It is also contemplated that any proposal would also utilize more specific limitations and terms that have been used for emergency harvesting allowances in the past. Those terms and limitations have included:

1. Haying or grazing is allowed only if approved by the local Agricultural Stabilization and Conservation (ASC) County Committee and only for CRP acreage devoted to established permanent introduced grasses and legumes (CP1), established permanent native grasses (CP2), wildlife habitat (CP4), and grass that was already established (CP10).

2. The Soil Conservation Service (SCS) must certify that the sustainability

and quality of the established cover will not be adversely affected by harvesting.

3. Only one cutting of hay may be removed during the year.

4. Livestock must be grazed according to an approved SCS grazing plan.

5. Producers must re-establish, at their own expense, any stand failures resulting from the haying or grazing.

6. Producers must designate eligible CRP acreage to be hayed or grazed, but only one such activity may occur in any year.

7. CRP acreage may be grazed by participants' own livestock, or leased for grazing.

8. The grazing stocking rate may not exceed the level approved on the SCS Forage Inventory and Annual Grazing Plan.

9. Harvesting may not be for seed or grain.

10. At least 25 percent of the CRP contract acreage must not be harvested, but must remain untouched to provide, at all times, a sufficient area of cover for wildlife.

11. On existing wildlife habitat acreage, the areas near trees and shrubs must be protected.

12. Temporary fences and other facilities may be erected at the producer's expense to ensure that the required untouched area is ungrazed and preserved for wildlife purposes.

13. Adequate spot checking must be undertaken to ensure participant compliance with the requirements.

Other additional provisions are under consideration which would be specifically directed at the particular purposes to which the non-emergency allowance would be directed. These other considerations would include provisions such as:

1. SCS and the State wildlife agency must certify that the actions will not harm wildlife habitat.

2. The grazing period will be determined by the State Technical Committee or the State Conservation Review Group, but may not begin before June 15 or extend beyond September 30.

3. The haying period will be determined by the State Technical Committee or State Conservation Review Group, but may not begin before July 15 or extend beyond August 31.

4. Acreage in a CRP contract may not be authorized for non-emergency approved harvesting more than once every 3 years.

5. The non-emergency harvesting of CRP acreage may not occur sooner than 3 years after an approved and implemented emergency use.

IV. Administrative Issues

The following administrative issues, for which several possible options are set out below, would also require decisions prior to implementing a policy of limited periodic non-emergency haying and grazing on CRP acreage.

1. Participant rental payment offset for haying and grazing privileges.

Option 1—25-percent reduction in the rental payment for the year during which haying or grazing occurs.

Option 2—50-percent reduction in rental payment for the year during which haying or grazing occurs.

Option 3—75-percent reduction in rental payment for the year during which haying or grazing occurs.

Option 4—Reduction in rental payment based on calculated value of forage obtained from haying or grazing activity, but not to exceed rental payment.

Option 5—Reduction in rental payment based on a bid submitted by the applicant.

Option 6—No reduction in current rental payment, but extension of contract requirements for a year without an additional payment for each year of non-emergency use.

Option 7—Allow haying with no reduction in the rental payment, but permit use of forage only during an emergency when haying of CRP acreage is permitted and under the provisions of the emergency program.

Option 8—Allow haying and grazing with no reduction in the rental payment, but forfeit acreage base upon contract expiration.

Option 9—25-percent reduction in rental payment for the year during which haying or grazing occurs plus extension of the contract without additional payment for a year for each year of non-emergency use.

2. Determination of the annual maximum amount of acreage eligible for non-emergency haying or grazing and allocation among counties to avoid significant negative impacts on local livestock and forage markets.

2a. Responsibility for determining acreage amount and allocations to States and counties.

Option 1—State ASC committees determine amounts and allocate to counties.

Option 2—National ASCS Office determines State allocation, and State ASC committees allocate to counties.

Option 3—National ASCS Office determines both State and county allocations.

2b. Basis for determining acreage amount and allocation.

Option 1—Availability of pasture and hay, hay sales, and livestock numbers.

Option 2—Fixed percentage of CRP acreage in grass cover for all States (counties).

Option 3—Fixed percentage of hay and pasture acreage for all States (counties).

3. Means of allocating acreage among applicants. (This issue may not be applicable if a straight bid system is used to reduce the rental payment (issue 1)).

Option 1—Lottery or drawing.

Option 2—Selection by the ASC County Committee with recommendations by SCS and State wildlife agency.

V. Summary

Periodic haying and grazing of CRP grasslands under proper management could improve wildlife food availability and habitat and also help to increase the sustainability and quality of the grass cover. Implementation of non-emergency haying and grazing on CRP grasslands would require that proper consideration be given to wildlife habitat and ground cover, an appropriate compensation offset, impacts on local livestock and forage markets, and monitoring of approved haying and grazing activities by local officials. Some of the possible provisions of a non-emergency CRP grassland haying and grazing plan have been utilized in past emergency harvesting situations.

ASCS is considering preparing and issuing a proposed rule to authorize limited and periodic non-emergency haying and grazing on CRP grasslands. Public suggestions on provisions to be included in a proposed rule, and comments on the material in this notice and on the proposal in general are invited and will be considered in the development of a proposal.

Signed at Washington, DC, on December 14, 1993.

Bruce R. Weber,

Acting Administrator, Agricultural Stabilization and Conservation Service, and Executive Vice President, Commodity Credit Corporation.

[FR Doc. 93-30911 Filed 12-17-93; 8:45 am]

BILLING CODE 3410-05-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Chapter I

[RM94-1-000]

Market-Based Ratemaking for Oil Pipelines; Extension of Time for Comments

December 10, 1993.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of inquiry; extension of time for comments.

SUMMARY: On October 22, 1993, the Commission issued a notice of inquiry concerning market-based rates for oil pipelines (58 FR 58814, November 4, 1993). The date for filing initial comments and reply comments is being

extended at the request of interested commenters.

DATES: The date for filing initial comments is extended to and including January 24, 1994. Reply comments shall be filed on or before February 14, 1994.

ADDRESSES: Office of the Secretary, 825 North Capitol Street, NE., Washington, DC. 20426

FOR FURTHER INFORMATION CONTACT: Lois D. Cashell, Secretary (202) 208-0400.

Lois D. Cashell,

Secretary.

[FR Doc. 93-30916 Filed 12-17-93; 8:45 am]

BILLING CODE 6717-01-P

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18 CFR Parts 341 and 352

[RM94-2-000]

Cost-of-Service Filing and Reporting Requirements for Oil Pipelines; Extension of Time for Comments

December 10, 1993

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of inquiry; extension of time for comments.

SUMMARY: On October 22, 1993, the Commission issued a notice of inquiry inviting comment on several issues relating to the appropriate information to be submitted with a cost-of-service rate filing and to be reported in Form No. 6 (58 FR 58817, November 4, 1993). The date for filing initial comments and reply comments is being extended at the request of interested commenters.

DATES: The date for filing initial comments is extended to and including January 24, 1994. Reply comments shall be filed on or before February 14, 1994.

ADDRESSES: Office of the Secretary, 825 North Capitol Street, NE., Washington, DC 20426.

FOR FURTHER INFORMATION CONTACT: Lois D. Cashell, Secretary, (202) 208-0400.

Lois D. Cashell,

Secretary.

[FR Doc. 93-30917 Filed 12-17-93; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[EE-61-93]

RIN 1545-AS23

Disallowance of Deductions for Employee Remuneration in Excess of $1,000,000

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document contains proposed regulations under section 162(m) of the Internal Revenue Code of 1986 (Code), relating to the disallowance of deductions for employee remuneration in excess of $1,000,000. The regulations will provide guidance to taxpayers who must comply with section 162(m), which was added to the Code by the Omnibus Budget Reconciliation Act of 1993.

DATES: Written comments and requests for a public hearing must be received by February 18, 1994.

ADDRESSES: Send submissions to: CC:DOM:CORP:T:R (EE-61-93), room 5228, Internal Revenue Service, P.O. Box 7604, Ben Franklin Station, Washington, DC 20044. In the alternative, submissions may be delivered to: CC:DOM:CORP:T:R (EE-61-93), room 5228, Internal Revenue Service, 1111 Constitution Avenue, NW, Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Robert Misner or Charles T. Deliee at (202)-622-6060 (not a toll-free call).

SUPPLEMENTARY INFORMATION:

Background

This document contains proposed amendments to the Income Tax Regulations (26 CFR part 1) under section 162(m) of the Internal Revenue Code (Code). These regulations are proposed to conform the Income Tax Regulations to section 13211 of the Omnibus Budget Reconciliation Act of 1993 (Pub. L. 103-66), which added subsection (m) to section 162 of the Code.

Explanation of Provisions

Section 162(m) denies a deduction to any publicly held corporation for compensation paid to a "covered employee" in a taxable year to the extent that compensation exceeds $1,000,000. Under section 162(m)(2), a publicly held corporation is defined as any corporation that issues any class of common equity securities that are required to be registered under the Securities Exchange Act of 1934 (the Exchange Act). A "covered employee," as defined under section 162(m)(3), is the chief executive officer on the last day of the taxable year or any other individual whose compensation is required to be reported to shareholders under the Exchange Act by reason of being among the four highest compensated officers.

The deduction limit of section 162(m) applies to any compensation that could otherwise be deducted in a taxable year, except for enumerated types of payments set forth in section 162(m)(4). Under that section, the deduction limit does not apply to amounts that are payable under a written binding contract that was in existence on February 17, 1993 (and that is not materially modified thereafter). The deduction limit also does not apply to payments that are not includable in the employee's gross income or payments made to or from a tax-qualified plan (including section 401(k) salary reduction contributions). In addition, the deduction limit does not apply to compensation that is payable solely on a commission basis or compensation that meets the requirements for performance-based compensation.

Under the requirements for performance-based compensation set forth in section 162(m)(4)(C), compensation will not be subject to the deduction limit if (i) it is payable on account of the attainment of one or more performance goals; (ii) the performance goals are established by a compensation committee of the board of directors that is comprised solely of two or more outside directors; (iii) the material terms of the compensation and the performance goals are disclosed to and approved by shareholders before payment; and (iv) the compensation committee certifies that the performance goals have been satisfied before payment.

Given the January 1, 1994, effective date of section 162(m), taxpayers desiring to satisfy the exception for performance-based compensation need immediate guidance. These proposed regulations are intended to address those broader issues that are necessary for most taxpayers to comply with the January 1 effective date, and, thus, are not comprehensive. To the extent that an issue is not covered by these regulations, taxpayers should follow a reasonable, good faith interpretation of the statutory provisions.

Overview of Regulations

The significant items included in these regulations are discussed below.

Definition of Publicly Held Corporation

The regulations provide that whether a taxpayer is a publicly held corporation is to be determined on the basis of the facts on the last day of the taxable year. Under this rule, if a corporation reports income on a calendar-year basis, the corporation is subject to section 162(m) only if its common equity securities are required to be registered under the Exchange Act on December 31. Thus, a corporation that "goes private" during the year is not subject to section 162(m) for that year. A related rule under the regulations provides that section 162(m) will not apply to compensation paid under plans or arrangements that are in existence when a corporation becomes a publicly held corporation, provided that those plans or arrangements are adequately disclosed as part of the public offering.

The regulations provide that a publicly held corporation includes all corporations in the affiliated group of the publicly held corporation, whether or not those corporations file a consolidated return. If a covered employee receives compensation from an employer that is not itself a publicly held corporation, that compensation would be aggregated with all other compensation paid to the covered employee by any corporation within the affiliated group, and the section 162(m) deduction limit would apply as if the affiliated group were a single taxpayer.

Questions have arisen as to the application of section 162(m) to certain master limited partnerships whose equity interests are required to be registered under the Exchange Act and that, beginning in 1997, may be treated as corporations for Federal income tax purposes. Whether these partnerships would be publicly held corporations within the meaning of section 162(m) and, if so, the manner in which they would satisfy the exception for performance-based compensation is currently under study and is not addressed in these proposed regulations. If necessary, guidance as to the application of section 162(m) to these entities will be provided in the future.

Identification of "Covered Employees"

The regulations clarify which employees are "covered employees" for purposes of section 162(m). The legislative history to section 162(m) provides that "covered employees" are defined by reference to the SEC rules governing executive compensation disclosure under the Exchange Act. Under the regulations, an individual generally is a "covered employee" if the individual's compensation is reported on the "summary compensation table" under the SEC's executive compensation disclosure rules, as set forth in Item 402 of Regulation S–K, 17 CFR 229.402, under the Exchange Act. However, the regulations specifically provide that, in order to be a "covered employee" for section 162(m) purposes, an individual must be employed as an executive officer on the last day of the taxable year. Thus, only those employees who appear on the "summary compensation table" and who are also employed on the last day of the taxable year are "covered employees."

Qualified Performance-Based Compensation

The regulations provide that the exception from section 162(m) for performance-based compensation will apply to any compensation that meets the requirements of qualified performance-based compensation under the regulations. Those requirements are discussed below.

Preestablished Performance Goal

In order to meet the exception for qualified performance-based compensation, compensation must be paid under one or more preestablished performance goals. The regulations provide that any business criterion may be used as a performance goal. A performance goal is not preestablished unless it has been established by the compensation committee in writing before the employee performs the relevant services and while the outcome under the goal is substantially uncertain. Those requirements are intended to preclude post hoc performance goals. Thus, if a bonus will be paid on the basis of an increase in sales during 1995, this performance goal would have to be established prior to 1995.

Consistent with the legislative history, the regulations require that both the performance goal and the amount of compensation under the goal be objective. For this purpose, the regulations set forth a standard under which a third party with knowledge of the relevant facts should be able to determine whether and to what extent the goal was satisfied and the amount of compensation that would be payable to the employee. Although the third-party standard requires that the terms of the performance goal be fixed and the amount of compensation be nondiscretionary, the regulations specifically provide that the compensation committee may retain the discretion to reduce the amount of compensation or other economic benefit otherwise payable if the performance goal is attained.

The IRS and Treasury believe that the retention of "negative" discretion to reduce compensation does not undercut the policies underlying the exception for performance-based compensation under section 162(m). Moreover, discussions with the staff of the Securities and Exchange Commission and suggestions received from taxpayers, shareholders, and other interested parties indicate that it is desirable for directors to retain this discretion in order to take into account other subjective factors and to preserve their flexibility to act in the best interest of the company and its shareholders. Concerns have been raised that directors' fiduciary obligations could, in certain circumstances, require that an employee not be paid an incentive bonus or award where the performance goal was satisfied, such as a case in which the employee has violated the law. For those reasons, the regulations do not treat the compensation committee's ability to reduce an award as violating the requirement that performance goals be fixed and the amount of compensation be nondiscretionary.

The regulations provide specific rules for applying the performance goal standards to plans under which stock options or stock appreciation rights are granted. Under those rules, a stock option or stock appreciation right will satisfy the requirement that compensation be paid on the basis of a preestablished performance goal where the grant or award is made by the compensation committee; the plan includes a per-employee limitation on the number of shares for which options or stock appreciation rights may be granted during a specified period; and the exercise price of the option or base amount of the stock appreciation right is no less than the fair market value of the stock on the date of grant or award. In general, whether compensation attributable to a stock option or stock appreciation right meets those requirements is determined on the basis of the terms of the particular grant or award. The fact that a plan permits other grants or awards that would not satisfy the requirements for qualified performance-based compensation, such as grants of "discount" options or restricted stock, does not cause compensation attributable to an otherwise qualifying grant to fail those requirements.

Some have questioned why it would be necessary for the regulations to require an individual employee limit on the number of shares for which options or stock appreciation rights may be granted, where shareholder approval of an aggregate limit is obtained for securities law purposes. The regulations follow the legislative history, which suggests that a per-employee limit be required under the terms of the plan. The IRS and Treasury believe that a limit on the maximum number of shares for which individual employees may receive options or other rights is appropriate because it is consistent with the broader requirement that a performance goal include an objective formula for determining the maximum amount of compensation that an individual employee could receive if the performance goal were satisfied. A third party attempting to make this determination with respect to a stock option plan would need to know both the exercise price and the number of options that could be granted. Of course, the individual limit need not be the same for each employee.

In determining whether compensation is payable on account of the attainment of a performance goal, the regulations also follow the legislative history, which indicates that compensation attributable to a "discount" option or restricted stock is not treated as qualified performance-based compensation. To the extent that the exercise price of an option is below fair market value on the date of grant, compensation attributable to the exercise of that option is not paid solely on account of the attainment of a performance goal, which, in this case, is the appreciation in the value of the stock. Similarly, the transfer of restricted stock, for which the employee pays nothing or only a portion of the fair market value, results in compensation to the employee regardless of whether the value of the stock has increased. (If a discount option or restricted stock were made contingent on a performance goal, then the compensation attributable to those shares could meet the requirements for performance-based compensation.)

Some have urged that the regulations provide for the bifurcation of a discount option or restricted stock such that the appreciation in the value of the stock could qualify as performance-based compensation, but the value of the discount (or the value of the restricted stock upon transfer) would not be treated as performance-based compensation. While the IRS and Treasury recognize that an economic argument could be made for this treatment, the policies of the statute are better served by not bifurcating compensation.

In particular, the IRS and Treasury believe that in order for the exception for performance-based compensation to be meaningful, the determination of whether compensation meets those requirements must be made with regard to all of the compensation that is payable to an employee under a single transaction or upon the occurrence of a single set of events. Bifurcating the compensation that is payable upon exercise of a stock option between the "discount" and the appreciation in the value of the stock would not be consistent with this approach and would ignore that an employee is receiving compensation in the same transaction that is not contingent upon the attainment of a performance goal. Moreover, not bifurcating discount options is consistent with the position taken for all plans, including stock-based plans, which treats compensation as not satisfying the requirements of qualified performance-based compensation where the employee would receive all or part of the compensation regardless of whether the performance goal is attained. It is not intended, however, that this rule be read so broadly as to preclude compensation from being performance-based merely because the employee also may receive other non-performance-based compensation that is not related to the same transaction or set of events, such as salary.

The regulations also provide guidance on the application of the performance-based compensation exception to compensation that is attributable to a stock option in which the exercise price of an option or other right is "repriced" after the date of issuance to reflect a reduction in the current fair market value of the stock. The IRS and Treasury view the repricing of an outstanding option as equivalent to the issuance of a new option with an exercise price at fair market value and a cancellation of the old option. The regulations provide that a canceled option continues to "count" against an employee's individual limit on the number of shares for which options or other rights may be granted to the employee under the plan. Because the "repricing" of an option is equivalent to a cancellation followed by a new issuance, this same rule also would apply in that case.

Outside Director Requirement

The performance goal under which compensation is paid must be established by a compensation committee that is comprised solely of two or more outside directors. The proposed regulations preclude an individual from being considered an outside director if the individual (1) is a current employee of the corporation, (2) is a former employee of the corporation who is receiving compensation for prior services (other than benefits under a tax-qualified retirement or savings plan), (3) has been an officer of the corporation at any time, and (4) is receiving compensation in any capacity other than as director.

For purposes of determining whether an individual is receiving additional compensation other than directors' fees, the regulations take into account direct and indirect payments for both goods and services. An indirect payment includes a payment to an entity in which the individual has at least a five-percent ownership interest or a business in which the individual is an employee. In those cases, however, the regulations provide a de minimis rule, under which an individual is not precluded from being an outside director if the payments to the entity do not exceed the lesser of $60,000 or five percent of the entity's gross income. For purposes of administration, the de minimis rule is applied on a look-back basis so that if payments are made in one year that exceed the de minimis level, the individual does not qualify as an outside director for the next year.

The regulations also provide rules for determining when an individual is a former officer of an affiliated corporation. Those rules clarify that an individual is not precluded from being an outside director if the corporation of which the individual served as an officer is no longer in the affiliated group of the publicly held corporation.

Disclosure to Shareholders

The material terms of a performance goal, including the compensation to be paid upon the attainment of the goal, must be disclosed to and approved by a majority of the shareholders. Under the regulations, the standard for determining whether disclosure is adequate is *not* the third-party standard that applies in determining whether a performance goal is preestablished and objective. Rather, the regulations clarify that disclosure must include (1) a description of the broad class of employees (such as salaried employees, or executive officers) who are eligible to receive compensation under a performance goal; (2) a general description of the terms of the goal; and (3) either the formula for computing the compensation or the maximum dollar amount that will be paid if the performance goal is satisfied.

The regulations provide that the specific targets under a performance goal need not be disclosed to shareholders. Thus, for example, if a performance goal were based on an increase in net profits of five percent, the disclosure to shareholders would be required to state only that the performance goal is based on net profits. In addition, the regulations generally follow the SEC standards for disclosure under the Exchange Act and do not require that disclosure be made of confidential commercial or business information. Under the regulations, information is confidential if, under the facts and circumstances, disclosure of the information would adversely affect the publicly held corporation.

The regulations generally do not require a performance goal to be redisclosed to and reapproved by shareholders until there is a change in the material terms of the performance goal. However, if the compensation committee retains the discretion to change the targets under a performance goal, the material terms of the performance goal must be reapproved by shareholders at least every five years.

Grandfather and Transition Rules

The proposed regulations clarify that compensation paid under a written binding contract in existence on February 17, 1993, is not subject to section 162(m). State law is determinative as to whether a contract is binding. If a contract is materially modified, then the contract is no longer grandfathered and any amounts that have not yet been received under the contract are subject to section 162(m). Under the regulations, a material modification includes any change in the contract that provides an increase in compensation. For purposes of determining whether a material modification has been made, the terms of new contracts or supplemental contracts may be taken into account. A contract that is terminable or cancelable at will by the publicly held corporation, or that is renewable as of a date or event is treated as a new contract and, thus, is no longer grandfathered as of the first date on which it could be terminated, canceled or renewed.

In addition to the grandfather rule, the regulations provide transition rules for satisfying the exception for performance-based compensation. For purposes of satisfying the requirement that a compensation committee be comprised solely of outside directors, a director who is a disinterested director within the meaning of Rule 16b-3 under the Exchange Act will be treated as an outside director until the first meeting of shareholders at which directors are to be elected that is held after July 1, 1994.

A second transition rule is provided for a plan that meets both the disinterested director and shareholder approval requirements of Rule 16b-3 under the Exchange Act as of the date of publication of these regulations. In that case, the plan will be treated as having satisfied both the outside director requirement and the shareholder approval requirement until the earlier of the termination or material modification of the plan or the date of the first shareholder meeting that occurs after December 31, 1996. For example, a stock option plan that has previously been approved by shareholders and that meets the disinterested administration requirements need not be reestablished by the corporation, reapproved by outside directors, or reapproved by shareholders. Thus, if options are granted under the plan with an exercise price at fair market value, the options typically would satisfy the exception for qualified performance-based compensation. In addition, for these plans, an aggregate limit on the number of shares for which options or rights can be granted under the plan will be treated as an individual limit for the transition period.

Coordination With Section 83(b) of the Internal Revenue Code

Questions have arisen as to the application of the deduction limitation under section 162(m) where an employee makes an election to accelerate recognition of income under section 83(b). These proposed regulations do not address this issue and comments are specifically requested.

Proposed Effective Date

Generally, these regulations are proposed to be effective for any payment that would be deductible for taxable years beginning on or after January 1, 1994.

Special Analyses

It has been determined that this notice of proposed rulemaking is not a significant regulatory action as defined in Executive Order 12866. It also has been determined that section 553(b) of the Administrative Procedure Act (5 U.S.C. chapter 5) and the Regulatory Flexibility Act (5 U.S.C. chapter 6) do not apply to these regulations, and, therefore, a Regulatory Flexibility Analysis is not required. Pursuant to section 7805(f) of the Internal Revenue Code, this notice of proposed rulemaking will be submitted to the Chief Counsel for advocacy of the Small Business Administration for comment on its impact on small business.

Comments and Requests for Public Hearing

Before adopting these proposed regulations, consideration will be given to any written comments that are submitted timely (preferably eight copies) to the Commissioner of Internal Revenue. All comments will be available for public inspection and copying. A public hearing may be held upon written request to the Commissioner by any person who has submitted written comments. If a public hearing is held, notice of the time and place will be published in the **Federal Register**.

Drafting Information

The principal authors of these proposed regulations are Charles T. Deliee and Robert Misner, Office of the Associate Chief Counsel (Employee Benefits and Exempt Organizations), Internal Revenue Service. However, other personnel from IRS and Treasury Department participated in their development.

List of Subjects in 26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

Proposed Amendments to the Regulations

Accordingly, 26 CFR part 1 is amended as follows:

PART 1—INCOME TAXES

Paragraph 1. The authority for part 1 continues to read as follows:

Authority: 26 U.S.C. 7805 * * *

Par. 2. Section 1.162-27 is added to read as follows:

§ 1.162-27 Certain employee remuneration in excess of $1,000,000

(a) *Scope.* This section provides rules for the application of the $1 million deduction limit under section 162(m) of the Internal Revenue Code. Paragraph (b) of this section provides the general rule limiting deductions under section 162(m). Paragraph (c) of this section provides definitions of generally applicable terms. Paragraph (d) of this section provides an exception from the deduction limit for compensation payable on a commission basis. Paragraph (e) of this section provides an exception for qualified performance-based compensation. Paragraphs (f) and (g) of this section provide special rules for corporations that become publicly held corporations and payments that are subject to section 280G, respectively. Paragraph (h) of this section provides transition rules, including the rules for contracts that are grandfathered and not subject to section 162(m). Paragraph (i) of this section contains the effective date. For rules concerning the deductibility of compensation for services that are not covered by section 162(m) and this section, see section 162(a)(1) and § 1.162–7. This section is not determinative as to whether compensation meets the requirements of section 162(a)(1).

(b) *Limitation on deduction.* Section 162(m) precludes a deduction under chapter 1 of the Internal Revenue Code by any publicly held corporation for compensation paid to any covered employee to the extent that the compensation for the taxable year exceeds $1,000,000.

(c) *Definitions*—(1) *Publicly held corporation*—(i) *General rule.* A *publicly held corporation* means any corporation issuing any class of common equity securities required to be registered under section 12 of the Exchange Act. A corporation is not considered publicly held if the registration of its equity securities is voluntary. For purposes of this section, whether a corporation is publicly held is determined solely on whether, as of the last day of its taxable year, the corporation is subject to the reporting obligations of section 12 of the Exchange Act.

(ii) *Affiliated groups.* A publicly held corporation includes an affiliated group of corporations, as defined in section 1504 (determined without regard to section 1504(b)). If a covered employee is paid compensation in a taxable year by more than one member of an affiliated group, compensation paid by each member of the affiliated group is aggregated with compensation paid to the covered employee by all other members of the group. Any amount disallowed as a deduction by this section must be prorated among the payor corporations in proportion to the amount of compensation paid to the covered employee by each such corporation in the taxable year.

(2) *Covered employee*—(i) *General rule.* A *covered employee* means any individual who, on the last day of the taxable year, is—

(A) The chief executive officer of the corporation or is acting in such capacity; or

(B) Among the four highest compensated officers (other than the chief executive officer).

(ii) *Application of SEC rules.* Whether an individual is the chief executive officer described in paragraph (c)(2)(i)(A) of this section or an officer described in paragraph (c)(2)(i)(B) of this section is determined pursuant to the executive compensation disclosure rules under the Exchange Act.

(3) *Compensation*—(i) *In general.* For purposes of the deduction limitation described in paragraph (b) of this section, *compensation* means the aggregate amount allowable as a deduction under chapter 1 of the Internal Revenue Code for the taxable year (determined without regard to section 162(m)) for remuneration for services performed by a covered employee, whether or not the services were performed during the taxable year.

(ii) *Exceptions. Compensation* does not include—

(A) Remuneration covered in section 3121(a)(1) through section 3121(a)(5)(D) (concerning remuneration that is not treated as *wages* for purposes of the Federal Insurance Contributions Act); and

(B) Remuneration consisting of any benefit provided to or on behalf of an employee if, at the time the benefit is provided, it is reasonable to believe that the employee will be able to exclude it from gross income. In addition, compensation does not include salary reduction contributions described in section 3121(v)(1).

(4) *Compensation committee.* The *compensation committee* means the committee of directors (including any subcommittee of directors) of the publicly held corporation that has the authority to establish and administer a performance-based compensation arrangement described in paragraph (e)(2) of this section, and to certify that performance goals are attained, as described in paragraph (e)(5) of this section. A committee of directors is not treated as failing to have the authority to establish a performance-based compensation arrangement merely because the arrangement is ratified by the board of directors of the publicly held corporation or, if applicable, any other committee of the board of directors. See paragraph (e)(3) of this section for rules concerning the composition of the compensation committee.

(5) *Exchange Act.* The *Exchange Act* means the Securities Exchange Act of 1934.

(6) *Examples.* This paragraph (c) may be illustrated by the following examples:

Example 1. Corporation X is a publicly held corporation with a July 1 to June 30 fiscal year. For Corporation X's taxable year ending on June 30, 1995, Corporation X pays compensation of $2,000,000 to A, an employee. However, A's compensation is not required to be reported to shareholders under the executive compensation disclosure rules of the Exchange Act because A is neither the chief executive officer nor one of the four highest compensated officers employed on the last day of the taxable year. A's compensation is not subject to the deduction limitation of paragraph (b) of this section.

Example 2. C, a covered employee, performs services and receives compensation from Corporations X, Y, and Z, members of an affiliated group of corporations. Corporation X, the parent corporation, is a publicly held corporation. The total compensation paid to C from all affiliated group members is $3,000,000 for the taxable year, of which Corporation X pays $1,500,000; Corporation Y pays $900,000; and Corporation Z pays $600,000. Because the compensation paid by all affiliated group members is aggregated for purposes of section 162(m), $2,000,000 of the aggregate compensation paid is nondeductible. Corporations X, Y, and Z each are treated as paying a ratable portion of the nondeductible compensation. Thus, two thirds of each corporation's payment will be nondeductible. Corporation X has a nondeductible compensation expense of $1,000,000 ($1,500,000×$2,000,000/$3,000,000). Corporation Y has a nondeductible compensation expense of $600,000 ($900,000×$2,000,000/$3,000,000). Corporation Z has a nondeductible compensation expense of $400,000 ($600,000×$2,000,000/$3,000,000).

Example 3. Corporation W, a calendar year taxpayer, has total assets equal to or exceeding $5 million and a class of equity security held of record by 500 or more persons on December 31, 1994. However, under the Exchange Act, Corporation W is not required to file a registration statement with respect to that security until April 30, 1995. Thus, Corporation W is not a publicly held corporation on December 31, 1994, but is a publicly held corporation on December 31, 1995.

Example 4. The facts are the same as in *Example 3*, except that on December 15, 1996, Corporation W files with the Securities and Exchange Commission to disclose that Corporation W is no longer required to be registered under section 12 of the Exchange Act and to terminate its registration of securities under that provision. Because Corporation W is no longer subject to Exchange Act reporting obligations as of December 31, 1996, Corporation W is not a publicly held corporation for taxable year 1996, even though the registration of Corporation W's securities does not terminate until 90 days after Corporation W files with the Securities and Exchange Commission.

(d) *Exception for compensation paid on a commission basis.* The deduction limit in paragraph (b) of this section shall not apply to any compensation paid on a commission basis. For this purpose, compensation is paid on a commission basis if the facts and circumstances show that it is paid solely on account of income generated directly by the individual performance of the individual to whom the compensation is paid. Compensation does not fail to be attributable directly to the individual merely because support services, such as secretarial or research services, are utilized in generating the income. However, if compensation is paid on account of broader performance standards, such as income produced by a business unit of the corporation, the compensation does not qualify for the exception provided under this paragraph (d).

(e) *Exception for qualified performance-based compensation*—(1) *In general*. The deduction limit in paragraph (b) of this section does not apply to qualified performance-based compensation. Qualified performance-based compensation is compensation that meets all of the requirements of paragraphs (e)(2) through (e)(5) of this section.

(2) *Performance goal requirement*—(i) *Preestablished goal*. Qualified performance-based compensation must be paid solely on account of the attainment of one or more preestablished, objective performance goals. A performance goal is considered preestablished if it is established in writing by the compensation committee prior to the commencement of the services to which the performance goal relates and while the outcome is substantially uncertain. A performance goal is objective if a third party having knowledge of the relevant facts could determine whether the goal is met. Performance goals can be based on one or more business criteria that apply to the individual, a business unit, or the corporation as a whole. Such business criteria could include, for example, stock price, market share, sales, earnings per share, return on equity, or costs. A performance goal need not, however, be based upon an increase or positive result under a business criterion and could include, for example, maintaining the status quo or limiting economic losses (measured, in each case, by reference to a specific business criterion). A performance goal does not include the mere continued employment of the covered employee. Thus, a vesting provision based solely on continued employment would not constitute a performance goal. See paragraph (e)(2)(vi) of this section for rules on compensation that is based on an increase in the price of stock.

(ii) *Objective compensation formula*. A preestablished performance goal must state, in terms of an objective formula or standard, the method for computing the amount of compensation payable to the employee if the goal is attained. A formula or standard is objective if a third party having knowledge of the relevant performance results could calculate the amount to be paid to the employee. In addition, a formula or standard must specify the individual employees or class of employees to which it applies.

(iii) *Discretion*—(A) The terms of an objective formula or standard must preclude discretion to increase the amount of compensation payable that would otherwise be due upon attainment of the goal. A performance goal is not discretionary for purposes of this paragraph (e)(2)(iii) merely because the compensation committee reduces or eliminates the compensation or other economic benefit that was due upon attainment of the goal.

(B) If compensation is payable upon or after the attainment of a performance goal, and a change is made to accelerate the payment of compensation to an earlier date after the attainment of the goal, the change will be treated as an increase in the amount of compensation, unless the amount of compensation paid is discounted to reasonably reflect the time value of money. If compensation is payable upon or after the attainment of a performance goal, and a change is made to defer the payment of compensation to a later date, any amount paid in excess of the amount that was originally owed to the employee will not be treated as an increase in the amount of compensation if the additional amount is based on a reasonable interest rate. However, if compensation is payable in the form of property, a change in the timing of the transfer of that property after the attainment of the goal will not be treated as an increase in the amount of compensation for purposes of this paragraph (e)(2)(iii). Thus, for example, if the terms of a stock grant provide for stock to be transferred after the attainment of a performance goal and the transfer of the stock also is subject to a vesting schedule, a change in the vesting schedule that either accelerates or defers the transfer of stock will not be treated as an increase in the amount of compensation payable under the performance goal.

(iv) *Compensation contingent upon attainment of performance goal*. Compensation does not satisfy the requirements of this paragraph (e)(2) if the facts and circumstances indicate that the employee would receive all or part of the compensation, regardless of whether the performance goal is attained. Thus, if the payment of compensation under a grant or award is only nominally or partially contingent on attaining a performance goal, none of the compensation payable under the grant or award satisfies the requirements of this paragraph (e)(2). However, compensation does not fail to be qualified performance-based compensation merely because the plan allows the compensation to be payable upon death, disability, or change of ownership or control, although compensation paid on account of those events prior to the attainment of the performance goal would not satisfy the requirements of this paragraph (e)(2). All plans, arrangements, or agreements that provide for compensation to the employee will be taken into account for purposes of this paragraph (e)(2)(iv).

(v) *Grant-by-grant determination*. The determination of whether compensation satisfies the requirements of this paragraph (e)(2) shall be made on a grant-by-grant basis. Thus, for example, whether compensation attributable to a stock option grant satisfies the requirements of this paragraph (e)(2) generally is determined on the basis of the particular grant made and without regard to the terms of any other option grant to the same or another employee.

(vi) *Application of requirements to stock options and stock appreciation rights*—(A) *In general*. Compensation attributable to a stock option or a stock appreciation right is deemed to satisfy the requirements of this paragraph (e)(2) if the grant or award is made by the compensation committee; the plan under which the option or right is granted states the maximum number of shares with respect to which options or rights may be granted during a specified period to any employee; and, under the terms of the option or right, the amount of compensation the employee could receive is based solely on an increase in the value of the stock after the date of the grant or award. Conversely, if the amount of compensation the employee will receive under the grant or award is not based solely on an increase in the value of the stock after the date of grant (e.g., restricted stock, or an option that is granted with an exercise price that is less than the fair market value as of the date of grant), none of the compensation attributable to the grant or award is qualified performance-based compensation because it does not satisfy the requirement of paragraph (e)(2)(iv) of this section. The preceding sentence does not apply, however, if the grant or award is made on account of the attainment of a performance goal that satisfies the requirements of this paragraph (e)(2) or if the vesting or exercisability of the grant or award is contingent on the attainment of a performance goal that satisfies this paragraph (e)(2).

(B) *Cancellation and repricing*. Compensation attributable to a stock option or stock appreciation right does not satisfy the requirements of this paragraph (e)(2) to the extent that the number of options granted exceed the maximum number of shares for which options may be granted to the employee as specified in the plan. If an option is canceled, the canceled option continues to be counted against the maximum number of shares for which options may be granted to the employee. If, after grant, the exercise price of an option is reduced, the transaction is treated as a cancellation of the option and a grant of a new option. In such case, both the option that is deemed to be canceled and the option that is deemed to be granted reduce the maximum number of shares for which options may be granted to the employee. This paragraph (e)(2)(vi)(B) also applies in the case of a stock appreciation right where, after the award is made, the base amount on which stock appreciation is calculated is reduced to reflect a reduction in the fair market value of stock.

(C) *Corporate transactions.* Compensation attributable to a stock option or stock appreciation right does not fail to satisfy the requirements of this paragraph (e)(2) to the extent that a change in the grant or award is made to reflect a change in corporate capitalization, such as a stock split, or a corporate transaction, such as any merger of a corporation into another corporation, any consolidation of two or more corporations into another corporation, any separation of a corporation (including a spin-off or other distribution of stock or property by a corporation), any reorganization of a corporation (whether or not such reorganization comes within the definition of such term in section 368), or any partial or complete liquidation by a corporation.

(vii) *Examples.* This paragraph (e)(2) may be illustrated by the following examples:

Example 1. Prior to the start of a fiscal year, Corporation S establishes a bonus plan under which A, the chief executive officer, will receive a cash bonus of $500,000, if year-end corporate sales are increased by at least 5 percent. The compensation committee retains the right, if the performance goal is met, to reduce the bonus payment to A if, in its judgment, other subjective factors warrant a reduction. The bonus will meet the requirements of this paragraph (e)(2).

Example 2. B is the general counsel of Corporation R, which is engaged in patent litigation with Corporation S. Representatives of Corporation S have informally indicated to Corporation R a willingness to settle the litigation for $50,000,000. Subsequently, the compensation committee of Corporation R agrees to pay B a bonus if B obtains a formal settlement for at least $50,000,000. The bonus to B does not meet the requirement of this paragraph (e)(2) because the performance goal was not established at a time when the outcome was substantially uncertain.

Example 3. Corporation S, a public utility, adopts a bonus plan for selected salaried employees that will pay a bonus at the end of a 3-year period of $750,000 each if, at the end of the 3 years, the price of S stock has increased by 10 percent. The plan also provides that the 10-percent goal will automatically adjust upward or downward by the percentage change in a published utilities index. Thus, for example, if the published utilities index shows a net increase of 5 percent over a 3-year period, then the salaried employees would receive a bonus only if Corporation S stock has increased by 15 percent. Conversely, if the published utilities index shows a net decrease of 5 percent over a 3-year period, then the salaried employees would receive a bonus if Corporation S stock has increased by 5 percent. Because these automatic adjustments in the performance goal are preestablished, the bonus meets the requirement of this paragraph (e)(2), notwithstanding the potential changes in the performance goal.

Example 4. The facts are the same as in *Example 3,* except that the bonus plan provides that, at the end of the 3-year period, a bonus of $750,000 will be paid to each salaried employee if either the price of Corporation S stock has increased by 10 percent or the earnings per share on Corporation S stock have increased by 5 percent. If both the earnings-per-share goal and the stock-price goal are preestablished before the beginning of the 3-year period, the compensation committee's discretion to choose to pay a bonus under either of the two goals does not cause any bonus paid under the plan to fail to meet the requirement of this paragraph (e)(2) because each goal independently meets the requirements of this paragraph (e)(2). The choice to pay under either of the two goals is tantamount to the discretion to choose not to pay under one of the goals, as provided in paragraph (e)(2)(iii) of this section.

Example 5. Corporation U establishes a bonus plan under which a specified class of employees will participate in a bonus pool if certain preestablished performance goals are attained. The amount of the bonus pool is determined under an objective formula. Under the terms of the bonus plan, the compensation committee retains the discretion to determine the fraction of the bonus pool that each employee may receive. The bonus plan does not satisfy the requirements of this paragraph (e)(2). Although the aggregate amount of the bonus plan is determined under an objective formula, a third party could not determine the amount that any individual could receive under the plan.

Example 6. The facts are the same as in *Example 5,* except that the bonus plan provides that each employee is eligible for an equal share of the bonus pool. The bonus plan would satisfy the requirements of this paragraph (e)(2). In addition, the bonus plan would satisfy the requirements of this paragraph (e)(2) even if the compensation committee retains the discretion to reduce the compensation payable to any individual employee, provided that a reduction in the amount of one employee's bonus does not result in an increase in the amount of any other employee's bonus.

Example 7. Corporation V establishes a stock option plan for salaried employees. The terms of the stock option plan specify that no salaried employee shall receive options for more than 100,000 shares over any 3-year period. The compensation committee grants options for 50,000 shares to each of several salaried employees. The exercise price of each option is equal to or greater than the fair market value at the time of each grant. Compensation attributable to the exercise of the options satisfies the requirements of this paragraph (e)(2). If, however, the terms of the options provide that the exercise price is less than fair market value at the date of grant, no compensation attributable to the exercise of those options satisfies the requirements of this paragraph (e)(2) unless issuance or exercise of the options was contingent upon the attainment of a preestablished performance goal that satisfies this paragraph (e)(2).

Example 8. The facts are the same as in *Example 7,* except that, within the same 3-year grant period, the fair market value of Corporation V stock is significantly less than the exercise price of the options. The compensation committee *reprices* those options to that lower current fair market value of Corporation V stock. The repricing of the options for 50,000 shares held by each salaried employee is treated as the grant of new options for an additional 50,000 shares to each employee. Thus, each of the salaried employees is treated as having received grants for 100,000 shares. Consequently, if any additional options are granted to those employees during the 3-year period, compensation attributable to the exercise of those additional options would not satisfy the requirements of this paragraph (e)(2). The results would be the same if the compensation committee canceled the outstanding options and issued new options to the same employees that were exercisable at the fair market value of Corporation V stock on the date of reissue.

Example 9. Corporation W maintains a plan under which each participating employee may receive incentive stock options, nonqualified stock options, stock appreciation rights, or grants of restricted Corporation W stock. The plan specifies that each participating employee may receive options, stock appreciation rights, restricted stock, or any combination of each, for no more than 20,000 shares over the life of the plan. The plan provides that stock options may be granted with an exercise price of less than, equal to, or greater than fair market value on the date of grant. Options granted with an exercise price equal to, or greater than, fair market value on the date of grant do not fail to meet the requirements of this paragraph (e)(2) merely because the compensation committee has the discretion to determine the types of awards (i.e., options, rights, or restricted stock) to be granted to each employee or the discretion to issue options or make other compensation awards under the plan that would not meet the requirements of this paragraph (e)(2). Whether an option granted under the plan satisfies the requirements of this paragraph (e)(2) is determined on the basis of the specific terms of the option and without regard to other options or awards under the plan.

Example 10. Corporation X maintains a plan under which stock appreciation rights may be awarded to key employees. The plan permits the compensation committee to make awards under which the amount of compensation payable to the employee is equal to the increase in the stock price plus a percentage "gross up" intended to offset the tax liability of the employee. In addition, the plan permits the compensation committee to make awards under which the amount of compensation payable to the employee is equal to the increase in the stock price, based on the highest price, which is defined as the highest price paid for Corporation X stock (or offered in a tender offer or other arms-length offer) during the 90 days preceding exercise. Compensation attributable to awards under the plan satisfies the requirements of paragraph (e)(2)(vi) of this section, provided that the terms of the plan specify the maximum number of shares for which awards may be made.

(3) *Outside directors*—(i) *General rule.* The performance goal under which compensation is paid must be established by a compensation committee comprised solely of two or more outside directors. A director is an outside director if the director—

(A) Is not a current employee of the publicly held corporation;

(B) Is not a former employee of the publicly held corporation who receives compensation for prior services (other than benefits under a tax-qualified retirement plan) during the taxable year;

(C) Has not been an officer of the publicly held corporation; and

(D) Does not receive remuneration, either directly or indirectly, in any capacity other than as a director.

(ii) *Remuneration.* For purposes of this paragraph (e)(3), remuneration includes any payment in exchange for goods or services. Remuneration is deemed to be paid to a director if—

(A) Remuneration is paid to the director personally or to an entity in which the director has a beneficial ownership interest of greater than 50 percent;

(B) Remuneration, other than de minimis remuneration, is paid to an entity by which the director is employed (including self-employed); or

(C) Remuneration, other than de minimis remuneration, is paid to an entity in which the director has a beneficial ownership interest of at least 5 percent but not more than 50 percent.

(iii) *De minimis remuneration.* For purposes of paragraphs (e)(3)(ii) (B) and (C) of this section, remuneration paid to an entity is de minimis if, during the publicly held corporation's preceding taxable year, payments to the entity did not exceed the lesser of—

(A) $60,000; or

(B) 5 percent of the gross income of the entity for the entity's taxable year ending with or within the publicly held corporation's taxable year.

(iv) *Employees and former officers.* Whether a director is an employee or a former officer is determined on the basis of the facts at the time that the individual is serving as a director on the compensation committee. Thus, a director is not precluded from being an outside director solely because the director is a former officer of a corporation that previously was an affiliated corporation of the publicly held corporation. However, an outside director would no longer be an outside director if a corporation in which the director was previously an officer became an affiliated corporation of the publicly held corporation.

(v) *Officer.* Solely for purposes of this paragraph (e)(3), *officer* means an administrative executive who is or was in regular and continued service. The term *officer* implies continuity of service and excludes those employed for a special and single transaction. An individual who merely has (or had) the title of officer but not the authority of an officer is not considered an officer. The determination of whether an individual is or was an officer is based on all of the facts and circumstances in the particular case, including without limitation the source of the individual's authority, the term for which the individual is elected or appointed, and the nature and extent of the individual's duties.

(vi) *Examples.* This paragraph (e)(3) may be illustrated by the following examples:

Example 1. Corporations X and Y are members of an affiliated group of corporations as defined in section 1504, until July 1, 1994, when Y is sold to another group. Prior to the sale, A served as an officer of Corporation Y. After July 1, 1994, A is not treated as a former officer of Corporation X by reason of having been an officer of Y.

Example 2. Corporation Z, a calendar-year taxpayer, employs the services of a consulting firm in which B is an employee. The consulting firm reports income on a July 1 to June 30 basis. Corporation Z appoints B to serve on its compensation committee for calendar year 1995 after determining that in 1994 it did not compensate the consulting firm in an amount exceeding the lesser of $60,000 or five percent of the consulting firm's gross income (calculated for the year ending June 30, 1994). On October 1, 1995, Corporation Z pays the consulting firm $50,000. For the year ending June 30, 1995, the consulting firm's gross income was less than $1 million. Thus, in calendar year 1996, B is not an outside director. However, B may satisfy the requirements for an outside director in 1997, if, in calendar year 1996, the payments from Corporation Z to the consulting firm meet the de minimis rule of paragraph (e)(3)(iii) of this section.

(4) *Shareholder approval requirement*—(i) *General rule.* The material terms of the performance goal under which the compensation is to be paid must be disclosed to and subsequently approved by shareholders of the publicly held corporation. The requirements of this paragraph (e)(4) are not satisfied if the compensation would be paid regardless of whether the material terms are approved by shareholders. The material terms include the individuals eligible to receive compensation; a description of the business criteria on which the performance goal is based; and either the maximum amount of the compensation to be paid or the formula used to calculate the amount of compensation if the performance goal is attained.

(ii) *Eligible employees.* Disclosure of the employees eligible to receive compensation need not be so specific as to identify the particular individuals by name. A general description of the class of eligible employees by title or class is sufficient, such as *the chief executive officer and vice presidents,* or *all salaried employees,* or *all executive officers.*

(iii) *Description of business criteria*—(A) *In general.* Disclosure of the business criteria on which the performance goal is based need not include the specific targets that must be satisfied under the performance goal. For example, if a bonus plan provides that a bonus will be paid if earnings per share increase by 10 percent, the 10-percent figure is a target that need not be disclosed to shareholders. However, in that case, disclosure must be made that the bonus plan is based on an earnings-per-share business criterion. In the case of a plan under which employees may be granted stock options or stock appreciation rights, no specific description of the business criteria is required if the grants or awards are based on a stock price that is no less than current fair market value.

(B) *Disclosure of confidential information.* The requirements of this paragraph (e)(4) may be satisfied even though information that otherwise would be a material term of a performance goal is not disclosed to shareholders, provided that the compensation committee determines that the information is confidential commercial or business information, the disclosure of which would have an adverse effect on the publicly held corporation. Whether disclosure would adversely affect the corporation is determined on the basis of the facts and circumstances. If the compensation committee makes such a determination, the disclosure to shareholders must state the compensation committee's belief that the information is confidential commercial or business information, the disclosure of which would adversely affect the company. In addition, the ability not to disclose confidential information does not eliminate the requirement that disclosure be made of the maximum amount of compensation that is payable to an individual under a performance goal. Confidential information does not include the identity of an executive or the class of executives to which a performance goal applies or the amount of compensation that is payable if the goal is satisfied.

(iv) *Description of compensation.* Disclosure as to the compensation payable under a performance goal must be specific enough so that shareholders can determine the maximum amount of compensation that could be paid to any employee during a specified period. If the terms of the performance goal do not provide for a maximum dollar amount, the disclosure must include the formula under which the compensation would be calculated. Thus, for example, if compensation attributable to the exercise of stock options is equal to the difference in the exercise price and the current value of the stock, disclosure would be required of the maximum number of shares for which grants may be made to any employee and the exercise price of those options (e.g., fair market value on date of grant). In that case, shareholders could calculate the maximum amount of compensation that would be attributable to the exercise of options on the basis of their assumptions as to the future stock price.

(v) *Disclosure requirements of the Securities and Exchange Commission.* To the extent not otherwise specifically provided in this paragraph (e)(4), whether the material terms of a performance goal are adequately disclosed to shareholders is determined under the same standards as apply under the Exchange Act.

(vi) *Frequency of disclosure.* Once the material terms of a performance goal are disclosed to and approved by shareholders, no additional disclosure or approval is required unless the compensation committee changes the material terms of the performance goal. If, however, the compensation committee has authority to change the targets under a performance goal after shareholder approval of the goal, material terms of the performance goal must be disclosed to and reapproved by shareholders no later than the first shareholder meeting that occurs in the fifth year following the year in which shareholders previously approved the performance goal.

(vii) *Shareholder vote.* For purposes of this paragraph (e)(4), the material terms of a performance goal are approved by shareholders if, in a separate vote, affirmative votes are cast by a majority of the voting shares. Abstentions are not counted as voting unless applicable State law provides otherwise.

(viii) *Examples.* This paragraph (e)(4) is illustrated by the following examples:

Example 1. Corporation X adopts a plan that will pay a specified class of its executives an annual cash bonus based on the overall increase in corporate sales during the year. Under the terms of the plan, the cash bonus of each executive equals $100,000 multiplied by the number of percentage points by which sales increase in the current year when compared to the prior year. Corporation X discloses to its shareholders prior to the vote both the class of executives eligible to receive awards and the annual formula of $100,000 multiplied by the percentage increase in sales. This disclosure meets the requirements of this paragraph (e)(4). Because the compensation committee does not have the authority to establish a different target under the plan, Corporation X need not redisclose to its shareholders and obtain their reapproval of the material terms of the plan until those material terms are changed.

Example 2. The facts are the same as in *Example 1* except that Corporation X discloses only that bonuses will be paid on the basis of the annual increase in sales. This disclosure does not meet the requirements of this paragraph (e)(4) because it does not include the formula for calculating the compensation or a maximum amount of compensation to be paid if the performance goal is satisfied.

Example 3. Corporation Y adopts an incentive compensation plan in 1995 that will pay a specified class of its executives a bonus every 3 years based on the following 3 factors: Increases in earnings per share, reduction in costs for specified divisions, and increases in sales by specified divisions. The bonus is payable in cash or in Corporation Y stock, at the option of the executive. Under the terms of the plan, prior to the beginning of each 3-year period, the compensation committee determines the specific targets under each of the three factors (i.e., the amount of the increase in earnings per share, the reduction in costs, and the amount of sales) that must be met in order for the executives to receive a bonus. Under the terms of the plan, the compensation committee retains the discretion to determine whether a bonus will be paid under any one of the goals. The terms of the plan also specify that no executive may receive a bonus in excess of $1,500,000 for any 3-year period. To satisfy the requirements of this paragraph (e)(4), Corporation Y obtains shareholder approval of the plan at its 1995 annual shareholder meeting. In the proxy statement issued to shareholders, Corporation Y need not disclose to shareholders the specific targets that are set by the compensation committee. However, Corporation Y must disclose that bonuses are paid on the basis of earnings per share, reductions in costs, and increases in sales of specified divisions. Corporation Y also must disclose the maximum amount of compensation that any executive may receive under the plan is $1,500,000 per 3-year period. Unless changes in the material terms of the plan are made earlier, Corporation Y need not disclose the material terms of the plan to the shareholders and obtain their reapproval until the first shareholders' meeting held in 2000.

Example 4. The same facts as in *Example 3*, except that prior to the beginning of the second 3-year period, the compensation committee determines that different targets will be set under the plan for that period with regard to all three of the performance criteria (i.e., earnings per share, reductions in costs, and increases in sales). In addition, the compensation committee raises the maximum dollar amount that can be paid under the plan for a 3-year period to $2,000,000. The increase in the maximum dollar amount of compensation under the plan is a changed material term. Thus, to satisfy the requirements of this paragraph (e)(4), Corporation Y must disclose to and obtain approval by the shareholders of the plan as amended.

Example 5. In 1998, Corporation Z establishes a plan under which a specified group of executives will receive a cash bonus not to exceed $750,000 each if a new product that has been in development is completed and ready for sale to customers by January 1, 2000. Although the completion of the new product is a material term of the performance goal under this paragraph (e)(4), the compensation committee determines that the disclosure to shareholders of the performance goal would adversely affect Corporation Z because its competitors would be made aware of the existence and timing of its new product. In this case, the requirements of this paragraph (e)(4) are satisfied if all other material terms, including the maximum amount of compensation, are disclosed and the disclosure affirmatively states that the terms of the performance goal are not being disclosed because the compensation committee has determined that those terms include confidential information, the disclosure of which would adversely affect Corporation Z.

(5) *Compensation committee certification.* The compensation committee must certify in writing prior to payment of the compensation that the performance goals and any other material terms were in fact satisfied. For this purpose, approved minutes of the compensation committee meeting in which the certification is made are treated as a written certification. Certification by the compensation committee is not required for compensation that is attributable solely

to the increase in the stock of the publicly held corporation.

(f) *Privately held companies that become publicly held.* In the case of a corporation that was not publicly held for the entire taxable year, the deduction limit of paragraph (b) of this section does not apply to any compensation plan or agreement that existed during the period in which the corporation was not publicly held, to the extent that the prospectus accompanying the initial public offering disclosed information concerning those plans or agreements that satisfied all applicable securities laws then in effect. However, this paragraph (f) shall not apply to the extent that a plan or agreement is materially modified as described in paragraph (h)(1)(iii) of this section.

(g) *Coordination with disallowed excess parachute payments.* The $1,000,000 limitation in paragraph (b) of this section is reduced (but not below zero) by the amount (if any) that would have been included in the compensation of the *covered employee* for the taxable year but for being disallowed by reason of section 280G. For example, assume that during a taxable year a corporation pays $1,500,000 to a covered employee and no portion satisfies the exception in paragraph (d) of this section for commissions or paragraph (e) of this section for qualified performance-based compensation. Of the $1,500,000, $600,000 is an *excess parachute payment,* as defined in section 280G(b)(1) and is disallowed by reason of that section. Because the *excess parachute payment* reduces the limitation of paragraph (b) of this section, the corporation can deduct $400,000, and $500,000 of the otherwise deductible amount is nondeductible by reason of section 162(m).

(h) *Transition rules*—(1) *Compensation payable under a written binding contract which was in effect on February 17, 1993*—(i) *General rule.* The deduction limit of paragraph (b) of this section does not apply to any compensation payable under a written binding contract that was in effect on February 17, 1993. The preceding sentence does not apply unless, under applicable state law, the corporation is obligated to pay the compensation if the employee performs services. However, the deduction limit of paragraph (b) of this section does apply to a contract that is renewed after February 17, 1993. A written binding contract that is terminable or cancelable by the corporation after February 17, 1993, without the employee's consent is treated as a new contract as of the date that any such termination or cancellation, if made, would be effective. Thus, for example, if the terms of a contract provide that it will be automatically renewed as of a certain date unless either the corporation or the employee gives notice of termination of the contract at least 30 days before that date, the contract is treated as a new contract as of the date that termination would be effective if that notice were given. Similarly, for example, if the terms of a contract provide that the contract will be terminated or canceled as of a certain date unless either the corporation or the employee elects to renew within 30 days of that date, the contract is treated as renewed by the corporation as of that date. A contract is not treated as terminable or cancelable if it can be terminated or canceled only by terminating the employment relationship of the employee.

(ii) *Compensation payable under a plan or arrangement.* If a compensation plan or arrangement meets the requirements of paragraph (h)(1)(i) of this section, the compensation paid to an employee pursuant to the plan or arrangement will not be subject to the deduction limit of paragraph (b) of this section even though the employee was not eligible to participate in the plan as of February 17, 1993. However, the preceding sentence does not apply unless the employee was employed on February 17, 1993, by the corporation that maintained the plan or arrangement, or the employee had the right to participate in the plan or arrangement under a written binding contract as of that date.

(iii) *Material modifications*—(A) Paragraph (h)(1)(i) of this section will not apply to any written binding contract that is materially modified. A material modification occurs when the contract is amended to increase the amount of compensation payable to the employee. If a binding written contract is materially modified, it is treated as a new contract entered into as of the date of the material modification. Thus, amounts received by an employee under the contract prior to a material modification are not affected, but amounts received subsequent to the material modification are not treated as paid under a binding, written contract described in paragraph (h)(1)(i) of this section.

(B) A modification of the contract that accelerates the payment of compensation will be treated as a material modification unless the amount of compensation paid is discounted to reasonably reflect the time value of money. If the contract is modified to defer the payment of compensation, any compensation paid in excess of the amount that was originally payable to the employee under the contract will not be treated as a material modification if the additional amount is based on a reasonable interest rate.

(C) The adoption of a supplemental contract or agreement that provides for increased compensation, or the payment of additional compensation, is a material modification of a binding, written contract where the facts and circumstances show that the additional compensation is paid on the basis of substantially the same elements or conditions as the compensation that is otherwise paid under the written binding contract. However, a material modification of a written binding contract does not include a supplemental payment that is equal to or less than a reasonable cost-of-living increase over the payment made in the preceding year under that written binding contract. In addition, a supplemental payment of compensation that satisfies the requirements of qualified performance-based compensation in paragraph (e) of this section will not be treated as a material modification.

(iv) *Examples.* The following examples illustrate the exception of this paragraph (h)(1):

Example 1. Corporation X executed a 3-year employment agreement with C on February 15, 1993, that constitutes a written binding contract under applicable state law. The terms of the agreement provide for automatic extension after the 3-year term for additional 1-year periods, unless the corporation exercises its option to terminate the contract within 30 days of the end of the 3-year term or, thereafter, within 30 days before each anniversary date. Unless terminated, the contract is treated as renewed on February 15, 1996, and the deduction limit of paragraph (b) of this section applies to payments under the contract after that date.

Example 2. Corporation Y executed a 5-year employment agreement with B on January 1, 1992, providing for a salary of $900,000 per year. Assume that this agreement constitutes a written binding contract under applicable state law. In 1992 and 1993, B receives the salary of $900,000 per year. In 1994, Corporation Y increases B's salary with a payment of $20,000. The $20,000 supplemental payment does not constitute a material modification of the written binding contract because the $20,000 payment is less than or equal to a reasonable cost-of-living increase from 1993. However, the $20,000 supplemental payment is subject to the limitation in paragraph (b) of this section. On January 1, 1995, Corporation Y increases B's salary to $1,200,000. The $280,000 supplemental payment is a material modification of the written binding contract because the additional compensation is paid on the basis of substantially the same elements or conditions as the compensation that is otherwise paid under the written binding contract and it is greater than a reasonable, annual cost-of-living increase. Because the written binding contract is materially modified as of January 1, 1995, all compensation paid to B in 1995 and thereafter is subject to the deduction limitation of section 162(m).

Example 3. Assume the same facts as in *Example 2*, except that instead of an increase in salary, B receives a restricted stock grant subject to B's continued employment for the balance of the contract. The restricted stock grant is not a material modification of the binding written contract because any additional compensation paid to B under the grant is not paid on the basis of substantially the same elements and conditions as B's salary because it is based both on the stock price and B's continued service. However, compensation attributable to the restricted stock grant is subject to the deduction limitation of section 162(m).

(2) *Special transition rule for outside directors.* A director who is a disinterested director is treated as satisfying the requirements of an outside director under paragraph (e)(3) of this section until the first meeting of shareholders at which directors are to be elected that occurs after July 1, 1994. For purposes of this paragraph (h)(2) and paragraph (h)(3) of this section, a director is a disinterested director if the director is disinterested within the meaning of Rule 16b–3(c)(2)(i), 17 CFR 240.16b–3(c)(2)(i), under the Exchange Act (including the provisions of Rule 16b–3(d)(3), as in effect on April 30, 1991).

(3) *Special transition rule for previously-approved plans*—(i) *In general.* Any compensation paid under a plan or agreement approved by shareholders before December 20, 1993, is treated as satisfying the requirements of paragraphs (e)(3) and (e)(4) of this section, provided that the directors establishing and administering the plan or agreement are disinterested directors and the plan was approved by shareholders in a manner consistent with Rule 16b–3(b), 17 CFR 240.16b–3(b) under the Exchange Act or Rule 16b–3(a), as in effect on April 30, 1991. In addition, for purposes of satisfying the requirements of paragraph (e)(2)(vi) of this section, a plan or agreement is treated as stating a maximum number of shares with respect to which an option or right may be granted to any employee if the plan or agreement that was approved by the shareholders provided for an aggregate limit on the number of shares of employer stock with respect to which awards may be made under the plan or agreement.

(ii) *Reliance period.* The transition rule provided in this paragraph (h)(3) shall continue and may be relied upon until the earliest of—

(A) The expiration or material modification of the plan or agreement;

(B) The issuance of all employer stock that has been allocated under the plan; or

(C) The first meeting of shareholders at which directors are to be elected that occurs after December 31, 1996.

(iii) *Example.* The following example illustrates the application of this paragraph (h)(3):

Example. Corporation Z adopted a stock option plan in 1991. Pursuant to Rule 16b–3 under the Exchange Act, the stock option plan has been administered by disinterested directors and was approved by Corporation Z shareholders. Under the terms of the plan, shareholder approval is not required again until 2001. In addition, the terms of the stock option plan include an aggregate limit on the number of shares available under the plan. Option grants under the Corporation Z plan are made with an exercise price equal to or greater than the fair market value of Corporation Z stock. Compensation attributable to the exercise of those options will be treated as satisfying the requirements of paragraph (e) of this section for qualified performance-based compensation until the issuance of all Corporation Z stock that has been allocated under the plan, or, if earlier, the first Corporation Z shareholder meeting at which directors are to be elected that occurs after December 31, 1996.

(i) *Effective date.* Section 162(m) and this section apply to compensation that is otherwise deductible by the corporation in a taxable year beginning on or after January 1, 1994.

Margaret Milner Richardson,

Commissioner of Internal Revenue.

[FR Doc. 93–30993 Filed 12–15–93; 3:25 pm]

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DEPARTMENT OF THE INTERIOR

Minerals Management Service

30 CFR Part 253

Oil Spill Financial Responsibility for Offshore Facilities Including State Submerged Lands and Pipelines

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of extension of public comment period.

SUMMARY: This notice extends, by 66 days, the comment period for an advance notice of proposed rulemaking (ANPR) that the Minerals Management Service published in the **Federal Register** on August 25, 1993. The ANPR is concerned with financial responsibility requirements for offshore facilities pursuant to the Oil Pollution Act of 1990. It describes issues relating to the development of regulations to ensure that parties responsible for offshore facilities have sufficient financial resources to ensure the payment of oil-spill cleanup costs and associated damages.

DATES: The comment period is extended to February 28, 1994. Comments should be received or postmarked by that date.

ADDRESSES: Comments should be mailed or hand delivered to the Department of the Interior, Minerals Management Service, Mail Stop 4700; 381 Elden Street; Herndon, VA 22070–4817; Attention: John Mirabella, Chief, Engineering and Standards Branch.

FOR FURTHER INFORMATION CONTACT: William S. Cook, Chief, Inspection and Enforcement Branch, telephone (703) 787–1591 or FAX (703) 787–1575.

Dated: December 15, 1993.

Thomas Gernhofer,

Associate Director for Offshore Minerals Management.

[FR Doc. 93–30961 Filed 12–17–93; 8:45 am]

BILLING CODE 4310-MR-M

30 CFR Part 253

Oil Spill Financial Responsibility for Offshore Facilities Including State Submerged Lands and Pipelines

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of public meeting.

SUMMARY: This notice announces a public meeting the Minerals Management Service will conduct to acquire information and data pertinent to the development of regulations implementing financial responsibility requirements of the Oil Pollution Act of 1990 (OPA). An advance notice of proposed rulemaking on this matter was published in the **Federal Register** on August 25, 1993. It describes issues relating to the development of regulations to ensure that parties responsible for offshore facilities have sufficient financial resources to pay for oil-spill cleanup costs and associated damages.

DATES: The meeting is scheduled for January 11, 1994, from 8:30 a.m. to 5 p.m., in Cleveland, Ohio. This meeting will last until all speakers have been heard but not later than 5 p.m.

ADDRESSES: The Marriott Society Center, 127 Public Square, Cleveland, Ohio 44114, telephone (216) 696–9200.

FOR FURTHER INFORMATION CONTACT: Jeff Zippin, Chief, Inspection, Compliance and Training Division; Minerals Management Service; Mail Stop 4800; 381 Elden Street; Herndon, Virginia 22070–4817, telephone (703) 787–1576.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in public meetings to address the following issues:

- Types and locations of "offshore facilities" subject to OPA financial responsibility requirements;
- Methods available to evidence OPA financial responsibility;
- Interaction of States/Territories and Federal Government to enforce OPA financial responsibility;
- Protection for the responsible parties, the guarantors, and other financial participants; and
- Effects on the local and national economic conditions of OPA financial responsibility requirements.

Presentations

Presentations by interested parties should focus on the following:

- Proposals and suggestions for addressing the financial responsibility requirement.
- Economic impacts on affected parties of the financial responsibility requirements.

Registration

There will be no registration fee for the meeting. Participants need not register prior to arrival at the meeting. However, prior notification to Richard Giangerelli, Minerals Management Service; Mail Stop 4800; 381 Elden Street; Herndon, Virginia 22070–4817, or telephone (703) 787–1574, FAX (703) 787–1599, is requested in order to assess the probable number of participants. Seating is limited and will be on a first-come-first-seated basis.

Dated: December 15, 1993.

Thomas Gernhofer,

Associate Director for Offshore Minerals Management.

[FR Doc. 93–30962 Filed 12–17–93; 8:45 am]

BILLING CODE 4310–MR–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD08–93–023]

Drawbridge Operation Regulations; Pass Manchac, LA

AGENCY: Coast Guard, DOT.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: At the request of the Illinois Central Railroad (ICRR), the Coast Guard is considering a change to the regulation governing the operation of the bascule span bridge across Pass Manchac, mile 6.7, at Manchac, Louisiana, by permitting automated operation of the draw. The bridge is presently manned and opens on signal at all times. The automated bridge, as proposed, should meet the reasonable needs of navigation.

DATES: Comments must be received on or before February 3, 1994.

ADDRESSES: Comments should be mailed to Commander (ob), Eighth Coast Guard District, 501 Magazine Street, New Orleans, Louisiana 70130–3396. The comments and other materials referenced in this notice will be available for inspection and copying in room 1313 at this address. Normal office hours are between 8 a.m. and 3:30 p.m., Monday through Friday, except holidays. Comments may also be hand-delivered to this address.

FOR FURTHER INFORMATION CONTACT: Mr. John Wachter, Bridge Administration Branch, at the address given above, telephone (504) 589–2965.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rulemaking by submitting written views, comments, data or arguments. Persons submitting comments should include their names and addresses, identify the bridge, and give reasons for concurrence with or any recommended change in the proposal. Persons desiring acknowledgment that their comments have been received should enclose a stamped, self-addressed postcard or envelope.

The Commander, Eighth Coast Guard District, will evaluate all communications received and determine a course of final action on this proposal. The proposed regulation may be changed in the light of comments received.

Drafting Information

The drafters of this regulation are Mr. John Wachter, project officer, and CDR D.G. Dickman, project attorney.

Discussion of Proposed Regulation

Vertical clearance of the bridge in the closed to navigation position is eight feet above high tide. In the open to navigation position the bridge has 56 feet of vertical clearance to the tip of the bascule for approximately one-half of the 85 feet of horizontal clearance, and unlimited clearance for the rest of the channel. Navigation through the bridge consists of a few tugs with tows, work boats, fishing vessels and recreational craft. Twelve to sixteen trains cross the bridge in a 24-hour period, many of these during late night or early morning hours when there is very little, if any, navigation transiting the bridge. If the proposed regulation is approved, the bridge draw will be operated by electrical automation, with no bridgetender on the bridge. The list of equipment to be used to operate the proposed system is as follows:

Marine radio system
Photoelectric (infra-red) boat detection system
Closed-circuit television system—minimum of four cameras
Intrusion detection system
PA/Talk-back system

Federalism Implications

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that the proposed rulemaking does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Economic Assessment and Certification

This proposal is not considered a significant regulatory action under Executive Order 12866 and is not significant under Department of Transportation regulatory policies and procedures (44 FR 11034: February 26, 1979).

The economic impact of this proposal is expected to be so minimal that a full regulatory evaluation is unnecessary. The basis for this conclusion is that after installation of the fully automated system there will be no inconvenience to vessels using the waterway. Since the economic impact of this proposal is expected to be minimal, the Coast Guard certifies that, if adopted, it will not have a significant economic impact on a substantial number of small entities.

Environmental Impact

This rulemaking has been thoroughly reviewed by the Coast Guard and it has been determined to be categorically excluded from further environmental documentation in accordance with section 2.B.2.g.5 of Commandant Instruction M16475.1B. A Categorical Exclusion Determination statement has been prepared and placed in the rulemaking document.

List of Subjects in 33 CFR Part 117

Bridges.

Proposed Regulations

In consideration of the foregoing, the Coast Guard proposes to amend part 117 of title 33, Code of Federal Regulations, as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05–1(g).

2. A new section 117.484 is added to read as follows:

§ 117.484 Pass Manchac.

The draw of the Illinois Central Railroad automated bridge, mile 6.7, at Manchac, operates as follows:

(a) The draw is not constantly manned and the bridge will normally be maintained in the open position, providing 56 feet vertical clearance above mean high tide to the raised tip of the bascule span for one-half the channel, and unlimited vertical clearance for the other half.

(b) RR track circuits will detect an approaching train and initiate bridge closing warning broadcasts over marine radio and over the PA system six (6) minutes in advance of the train arrival. Navigation channel warning lights will be lit, and photoelectric (infrared) boat detectors will monitor the waterway by closed-circuit TV (CCTV) cameras.

(c) Activation of the warning broadcasts also activates a marine radio monitor in the Mays Yard (New Orleans switch yard). The yardmaster will continuously monitor marine radio broadcasts 24 hours a day on the normal and emergency marine radio channels, and throughout the warning period and at all times that the bridge is closed. The yardmaster will communicate with waterway users via the marine radio, if necessary.

(d) At the end of the warning period, if no vessels have been detected by the boat detectors, and no interruptions have been performed by the yardmaster based on his monitoring of the marine radio and the CCTV, the bridge lowering sequence will automatically proceed.

(e) Upon passage of the train, the bridge will automatically open. RR track circuits will initiate the automatic bridge opening and closing sequences. (Estimated duration that the bridge will remain closed for passage of rail traffic is 10 to 12 minutes.) The bridge will also be manually operable from two locked trackside control locations (key releases) on the approach spans, one on each side of the movable span.

(f) The yardmaster will be provided with a remote Emergency Stop button which, if pressed, will stop the bridge operation, interrupt the lowering sequence, and immediately return the bridge to the open position. The yardmaster will utilize this control feature in the event a vessel operator issues an urgent radio call to keep the waterway open for immediate passage of the vessel.

Dated: December 3, 1993.

J.C. Card,

Rear Admiral, U.S. Coast Guard, Commander, Eighth Coast Guard District.

[FR Doc. 93–30979 Filed 12–17–93; 8:45 am]

BILLING CODE 4910–14–M

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33 CFR Part 117

[CGD08–93–028]

Drawbridge Operation Regulations; Des Allemands Bayou, LA

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: At the request of the Southern Pacific Transportation Company (SPTC), the Coast Guard is considering a change to the regulation governing the operation of the SPTC swing span railroad bridge across Des Allemands Bayou, mile 14.0, at Des Allemands, St. Charles Parish, Louisiana. The new proposed regulation would require four hours advance notice for an opening of the draw on weekends, and from 3 p.m. to 7 a.m. Monday through Friday. Presently, the draw opens on signal at all times. This action will provide relief to the bridge owner and should still provide for the reasonable needs of navigation.

DATES: Comments must be received on or before February 3, 1994.

ADDRESSES: Comments should be mailed to Commander (ob), Eighth Coast Guard District, 501 Magazine Street, New Orleans, Louisiana 70130–3396. The Comments and other materials referenced in this notice will be available for inspection and copying in room 1313 at this address. Normal office hours are between 8 a.m. and 3:30 p.m., Monday through Friday, except holidays. Comments may also be hand-delivered to this address.

FOR FURTHER INFORMATION CONTACT: Mr. John Wachter, Bridge Administration Branch, at the address given above, telephone (504) 589–2965.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rulemaking by submitting written views, comments, data or arguments. Persons submitting comments should include their names and addresses, identify the bridge, and give reasons for concurrence with or any recommended change in the proposal. Persons desiring acknowledgment that their comments have been received should enclose a stamped, self-addressed postcard or envelope.

The Commander, Eighth Coast Guard District, will evaluate all communications received and determine a course of final action on this proposal. The proposed regulation may be changed in the light of comments received.

Drafting Information

The drafters of this regulation are Mr. John Wachter, project officer, and CDR D. G. Dickman, project attorney.

Discussion of Proposed Regulation

Vertical clearance of the bridge in the closed to navigation position is 3 feet above high tide and 7 feet above low tide. Navigation through the bridge consists of barge tows, commercial fishing boats, and recreational fishing vessels. Data previously submitted by the Louisiana Department of Transportation for the Route LA 631 bridge, which is adjacent to the railroad bridge, show that during the one year period beginning April 1991 and ending March 31, 1992 the monthly average was 13 openings (approximately one opening every three days). SPTC records show that there are currently only six navigational openings per month. There are eight train crossings on the bridge each day.

Considering the few vessels that pass the bridge, the Coast Guard feels that vessel operators should be able to give the bridge owner four hours notice for a bridge opening during the proposed closure times with little or no expense or inconvenience to themselves. The number to call for an opening of the draw is 1–800–733–6950.

Although the adjacent State Route LA 631 bridge is required to open on four hours notice at all times, SPTC wishes to retain a bridge tender on its bridge on weekdays from 7 a.m. to 3 p.m.

Federalism Implications

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that the proposed rulemaking does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Economic Assessment and Certification

This proposal is not considered a significant regulatory action under Executive Order 12866 and is not significant under Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979).

The economic impact of this proposal is expected to be so minimal that a full regulatory evaluation is unnecessary. The basis for this conclusion is that during the proposed regulated periods there will be very little or no inconvenience to vessels using the waterway. In addition, mariners requiring the bridge openings are repeat users of the waterway and giving the bridge owner advance notice during the proposed times should involve little or no additional expense to them. Since the economic impact of this proposal is expected to be minimal, the Coast Guard certifies that, if adopted, it will not have a significant economic impact on a substantial number of small entities.

Environmental Impact

This proposed rulemaking has been thoroughly reviewed by the Coast Guard and it has been determined to be categorically excluded from further environmental documentation in accordance with section 2.B.2.g.5 of Commandant Instruction M16475.1B. A Categorical Exclusion Determination statement has been prepared and placed in the rulemaking document.

List of Subjects in 33 CFR Part 117

Bridges.

Proposed Regulations

In consideration of the foregoing, the Coast Guard proposes to amend part 117 of title 33, Code of Federal Regulations, as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05–1(g).

2. Section 117.439 is revised to read as follows:

§ 117.439 Des Allemands Bayou.

(a) The draw of the S631 bridge, mile 13.9 at Des Allemands, shall open on signal if at least four hours' notice is given.

(b) The draw of the Southern Pacific R.R. bridge, mile 14.0, shall open on signal Monday through Friday from 7 a.m. to 3 p.m. At all other times the draw shall open on signal if at least 4 hours' notice is given.

Dated: December 3, 1993.

J.C. Card,

Rear Admiral, U.S. Coast Guard, Commander, Eighth Coast Guard District.

[FR Doc. 93–30980 Filed 12–17–93; 8:45 am]

BILLING CODE 4910–14–M

33 CFR Part 117

[CGD 08–93–024]

Drawbridge Operation Regulations; Lower Grand River, LA

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: At the request of the Iberville Parish School Board, the Coast Guard is considering a change to the regulation governing the operation of the swing span bridge on LA 77 across the Lower Grand River (Intracoastal Waterway, Morgan City to Port Allen, Alternate Route), mile 47.0 at Grosse Tete, Iberville Parish, Louisiana. The requested regulation would merely revise the present afternoon closure period by thirty (30) minutes to permit the draw to remain closed to navigation from 6 a.m. to 7:30 a.m. and from 2:30 p.m. to 4 p.m. on weekdays only, except holidays, and only during the months when local schools are in session. The primary purpose of this requested regulation is to provide school bus traffic undelayed use of the bridge to serve a new school location during the school year. Presently, the draw opens on signal at all times, except that the draw remains closed for passage of school buses from 6 a.m. to 7:30 a.m. and from 3 p.m. to 4:30 p.m. on weekdays only, except holidays, and only during the months when local schools are in session.

This action will accommodate the needs of local school bus traffic and should still provide for the reasonable needs of navigation.

DATES: Comments must be received on or before February 3, 1994.

ADDRESSES: Comments should be mailed to Commander (ob), Eighth Coast Guard District, 501 Magazine Street, New Orleans, Louisiana 70130–3396. The comments and other materials referenced in this notice will be available for inspection and copying in room 1313 at this address. Normal office hours are between 8 a.m. and 3:30 p.m., Monday through Friday, except holidays. Comments may also be hand-delivered to this address.

FOR FURTHER INFORMATION CONTACT: Mr. John Wachter, Bridge Administration Branch, at the address given above, telephone (504) 589–2965.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rulemaking by submitting written views, comments, data or arguments. Persons submitting comments should include their names and addresses, identify the bridge, and give reasons for concurrence with or any recommended change in the proposal. Persons desiring acknowledgment that their comments have been received should enclose a stamped, self-addressed postcard or envelope.

The Commander, Eighth Coast Guard District, will evaluate all communications received and determine a course of final action on this proposal. The proposed regulation may be changed in the light of comments received.

Drafting Information

The drafters of this regulation are Mr. John Wachter, project officer, and CDR D.G. Dickman, project attorney.

Discussion of Proposed Regulation

Vertical clearance of the draw in the closed position is 2 feet above high tide. Navigation through the bridge consists of tugs with tows, commercial fishing vessels and recreational craft. Data previously submitted by Louisiana Department of Transportation show that from 6 a.m. to 7:30 a.m. and from 2:30 p.m. to 4 p.m., Monday through Friday, about 1.5 vessels pass the bridge daily during each proposed regulated period. Due to the final phase of a parish-wide school consolidation and renovation project being completed this summer, two old schools have been closed and the students and school personnel who attended those schools have been moved to a new facility. This move has made it necessary to modify the school dismissal times. The high school students will be dismissed thirty (30) minutes earlier than in the past. In order to accommodate the new school schedule it is necessary to adjust the afternoon bridge closure to navigation to 2:30 p.m. to 4 p.m. in lieu of 3 p.m. to 4:30 p.m. The present morning closure from 6 a.m. to 7:30 a.m. will remain the same. The Coast Guard feels that vessel operators can easily become accustomed to the new scheduled closure and since only the afternoon closure has been moved up by thirty (30) minutes, they will be able to adjust their arrival at the bridge to avoid the new closure period with little or no inconvenience or additional expense to themselves. This new regulation will become effective immediately upon Coast Guard Final Rule publication and annually from about August 15 (first day of the school year) until about June 5 (last day of the school year). During the summer months, the regulation would not be in effect. The proposed regulation will be of great benefit to the local schools, the school bus operators, the children that ride the buses to and from the schools, and should have no significant impact on navigation.

Federalism Implications

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that the proposed rulemaking does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Economic Assessment and Certification

This proposal is not considered a significant regulatory action under Executive Order 12866 and is not significant under Department of Transportation regulatory policies and procedures (44 FR 11034: February 26, 1979).

The economic impact of this proposal is expected to be so minimal that a full regulatory evaluation is unnecessary. The basis for this conclusion is that, during the proposed regulated periods, there will be very little inconvenience to vessels using the waterway. In addition, mariners requiring the bridge openings are repeat users of the waterway and scheduling their arrivals to avoid the proposed regulated periods should involve little or no additional expense to them. Since the economic impact of this proposal is expected to be minimal, the Coast Guard certifies that, if adopted, it will not have a significant economic impact on a substantial number of small entities.

Environmental Impact

This rulemaking has been thoroughly reviewed by the Coast Guard and it has been determined to be categorically excluded from further environmental documentation in accordance with section 2.B.2.g.5 of Commandant Instruction M16475.1B. A Categorical Exclusion Determination statement has been prepared and placed in the rulemaking document.

List of Subjects in 33 CFR Part 117

Bridges.

Proposed Regulations

In consideration of the foregoing, the Coast Guard proposes to amend part 117 of title 33, Code of Federal Regulations, as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05–1(g).

2. In section 117.478 paragraph (b) is revised to read as follows:

§ 117.478 Lower Grand River.

* * * * *

(b) The draw of the LA 77 bridge, mile 47.0 (Alternate Route) at Grosse Tete, shall open on signal; except that, from about August 15 to about June 5 (the school year), the draw need not be opened from 6 a.m. to 7:30 a.m. and from 2:30 p.m. to 4 p.m., Monday through Friday except holidays. The draw shall open on signal at any time for an emergency aboard a vessel.

* * * * *

Dated: December 3, 1993.

J.C. Card,

Rear Admiral, U.S. Coast Guard, Commander, Eighth Coast Guard District.

[FR Doc. 93-30981 Filed 12-17-93; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[OAQPS CA 38-14-6102; FRL-4815-4]

Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision; Ventura County Air Pollution Control District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed rulemaking.

SUMMARY: EPA is proposing to approve revisions to the California State Implementation Plan (SIP) adopted by the Ventura County Air Pollution Control District (VCAPCD) on July 16, 1991 and June 16, 1992. The California Air Resources Board (CARB) submitted these revisions to EPA on October 25, 1991 and September 14, 1992. The revisions concern the following rules from the VCAPCD: Rule 62.6, Ethylene Oxide–Sterilization and Aeration; Rule 71.1, Crude Oil Production and Separation; and Rule 71.3, Transfer of Reactive Organic Compound Liquids. Rule 62.6 controls emissions of ethylene oxide, a volatile organic compound (VOC), from hospital sterilizers, while Rules 71.1 and 71.3 control VOC emissions associated with petroleum production, processing, storage and transfer. The intended effect of proposing approval of these rules is to regulate emissions of VOCs in accordance with the requirements of the Clean Air Act, as amended in 1990 (CAA or the Act). EPA's final action on this notice of proposed rulemaking (NPR) will incorporate these rules into the federally approved SIP. EPA has evaluated these rules and is proposing to approve them under provisions of the CAA regarding EPA action on SIP submittals, SIPs for national primary and secondary ambient air quality standards and plan requirements for nonattainment areas.

DATES: Comments must be received on or before January 19, 1994.

ADDRESSES: Comments may be mailed to: Daniel A. Meer, Rulemaking Section II (A-5-3), Air and Toxics Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105

Copies of the rule revisions and EPA's evaluation report of the rules are available for public inspection at EPA's Region IX office during normal business hours. Copies of the submitted rule revisions are also available for inspection at the following locations:

California Air Resources Board, Stationary Source Division, Rule Evaluation Section, 2020 "L" Street, Sacramento, CA 95814.

Ventura County Air Pollution Control District, 702 County Square Drive, Ventura, California 93003.

FOR FURTHER INFORMATION CONTACT: Mae Wang, Rulemaking Section II (A-5-3), Air and Toxics Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105, Telephone: (415) 744-1200.

SUPPLEMENTARY INFORMATION:

Background

On March 3, 1978, EPA promulgated a list of ozone nonattainment areas under the provisions of the Clean Air Act, as amended in 1977 (1977 CAA or pre-amended Act), that included the Ventura County Area. 43 FR 8964, 40 CFR 81.305. Because this area was unable to meet the statutory attainment date of December 31, 1982, California requested under section 172(a)(2), and EPA approved, an extension of the attainment date to December 31, 1987. 40 CFR 52.238. On May 26, 1988, EPA notified the Governor of California, pursuant to section 110(a)(2)(H) of the pre-amended Act, that the above District's portions of the California SIP were inadequate to attain and maintain the ozone standard and requested that deficiencies in the existing SIP be corrected (EPA's SIP-Call). On November 15, 1990, the Clean Air Act Amendments of 1990 were enacted. Public Law 101-549, 104 Stat. 2399, codified at 42 U.S.C. 7401-7671q. In amended section 182(a)(2)(A) of the CAA, Congress statutorily adopted the requirement that nonattainment areas fix their deficient reasonably available control technology (RACT) rules for ozone and established a deadline of May

15, 1991 for states to submit corrections of those deficiencies.

Section 182(a)(2)(A) applies to areas designated as nonattainment prior to enactment of the amendments and classified as marginal or above as of the date of enactment. It requires such areas to adopt and correct RACT rules pursuant to pre amended section 172(b) as interpreted in pre-amendment guidance.[1] EPA's SIP-Call used that guidance to indicate the necessary corrections for specific nonattainment areas. The Ventura County Area is classified as severe[2]; therefore, this area was subject to the RACT fix-up requirement and the May 15, 1991 deadline.

The State of California submitted many revised rules for incorporation into its SIP on October 25, 1991 and September 14, 1992, including the rules being acted on in this document. This document addresses EPA's proposed action for the following VCAPCD rules: Rule 62.6, Ethylene Oxide–Sterilization and Aeration; Rule 71.1, Crude Oil Production and Separation; and Rule 71.3, Transfer of Reactive Organic Compound Liquids. Submitted Rule 62.6 was found to be complete on December 18, 1991, and Rules 71.1 and 71.3 were found to be complete on November 20, 1992 pursuant to EPA's completeness criteria that are set forth in 40 CFR part 51, appendix V[3] and are being proposed for approval into the SIP.

Rule 62.6 controls emissions of ethylene oxide, a VOC, from hospital sterilizers. Rule 71.1 controls VOC emissions during production, storage, processing and separation of crude oil and natural gas prior to custody transfer, and Rule 71.3 controls VOC emissions during transfer operations of reactive organic compound liquids. VOCs contribute to the production of ground level ozone and smog. The rules were adopted as part of the District's efforts to achieve the National Ambient Air Quality Standard (NAAQS) for ozone, and Rules 71.1 and 71.3 were submitted in response to EPA's SIP-Call and the section 182(a)(2)(A) CAA requirement. The following is EPA's evaluation and proposed action for these rules.

EPA Evaluation and Proposed Action

In determining the approvability of a VOC rule, EPA must evaluate the rule for consistency with the requirements of the CAA and EPA regulations, as found in section 110 and part D of the CAA and 40 CFR part 51 (Requirements for Preparation, Adoption, and Submittal of Implementation Plans). The EPA interpretation of these requirements, which forms the basis for today's action, appears in the various EPA policy guidance documents listed in footnote 1. Among those provisions is the requirement that a VOC rule must, at a minimum, provide for the implementation of RACT for stationary sources of VOC emissions. This requirement was carried forth from the pre-amended Act.

For the purpose of assisting state and local agencies in developing RACT rules, EPA prepared a series of Control Technique Guideline (CTG) documents. The CTGs are based on the underlying requirements of the Act and specify the presumptive norms for what is RACT for specific source categories. Under the CAA, Congress ratified EPA's use of these documents, as well as other Agency policy, for requiring States to "fix-up" their RACT rules. See section 182(a)(2)(A). The CTG document applicable to Rule 71.1 is entitled: Control of Volatile Organic Compound Equipment Leaks from Natural Gas/Gasoline Processing Plants, CTG EPA–450/2–83–007. The CTG documents applicable to Rule 71.3 are: Control of Hydrocarbons from Tank Truck Gasoline Loading Terminals, CTG EPA–450/2–77–026; Control of Volatile Organic Compound Leaks from Gasoline Tank Trucks and Vapor Collection Systems, CTG EPA–450/2–78–051; and Control of Volatile Organic Emissions from Bulk Plants, CTG EPA–450/2–77–035. Since no applicable CTG document exists for Rule 62.6, the rule was only evaluated against EPA policy and requirements regarding enforceability. Further interpretations of EPA policy are found in the Blue Book referred to in footnote 1. In general, these guidance documents have been set forth to ensure that VOC rules are fully enforceable and strengthen or maintain the SIP.

VCAPCD Rule 62.6, Ethylene Oxide–Sterilization and Aeration, is a new rule. Its major provisions include control limits for exhaust emissions, periodic source testing for compliance determinations, recordkeeping requirements, and a compliance schedule.

VCAPCD Rule 71.1, Crude Oil Production and Separation, contains several changes from the current SIP rule:

1. Control system efficiency has been limited to at least 90% by weight, and Executive Officer discretion of alternative control equipment has been deleted.
2. Requirements for exempt tanks and portable tanks have been added.
3. Requirements for control of emissions from produced gas have been added, including destruction efficiency limits.
4. Recordkeeping provisions have been expanded and test methods have been added.

VCAPCD Rule 71.3, Transfer of Reactive Organic Compound Liquids, includes the following significant changes from the current SIP:

1. The applicability of the rule has been extended.
2. Additional loading facility requirements and delivery vessel requirements have been included.
3. Operator inspection and repair requirements, recordkeeping requirements, and test methods have been added.

EPA has evaluated the submitted rules and has determined that they are consistent with the CAA, EPA regulations, and EPA policy. Therefore, VCAPCD's submitted Rule 62.6, Rule 71.1, and Rule 71.3 are being proposed for approval under section 110(k)(3) of the CAA as meeting the requirements of section 110(a) and part D.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any state implementation plan. Each request for revision to the state implementation plan shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

Regulatory Process

Under the Regulatory Flexibility Act, 5 U.S.C. 600 *et seq.*, EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. 5 U.S.C. 603 and 604. Alternatively, EPA may certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises and government entities with jurisdiction over populations of less than 50,000.

[1] Among other things, the pre-amendment guidance consists of those portions of the proposed post-1987 ozone and carbon monoxide policy that concern RACT, 52 FR 45044 (November 24, 1987); "Issues Relating to VOC Regulation Cutpoints, Deficiencies, and Deviations, Clarification to Appendix D of November 24, 1987 Federal Register Notice" (Blue Book) (notice of availability was published in the Federal Register on May 25, 1988); and the existing control technique guidelines (CTGs).

[2] The Ventura County Area retained its designation of nonattainment and was classified by operation of law pursuant to sections 107(d) and 181(a) upon the date of enactment of the CAA. See 56 FR 56694 (November 6, 1991).

[3] EPA adopted the completeness criteria on February 16, 1990 (55 FR 5830) and, pursuant to section 110(k)(1)(A) of the CAA, revised the criteria on August 26, 1991 (56 FR 42216).

SIP approvals under sections 110 and 301 and subchapter I, part D of the CAA do not create any new requirements, but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP-approval does not impose any new requirements, it does not have a significant impact on any small entities affected. Moreover, due to the nature of the Federal-state relationship under the CAA, preparation of a regulatory flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The CAA forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co.* v. *U.S. E.P.A.*, 427 U.S. 246, 256–66 (S.Ct. 1976); 42 U.S.C. 7410(a)(2).

This action has been classified as a Table 3 action by the Regional Administrator under the procedures published in the **Federal Register** on January 19, 1989 (54 FR 2214–2225). On January 6, 1989, the Office of Management and Budget (OMB) waived Table 2 and Table 3 SIP revisions (54 FR 2222) from the requirements of section 3 of Executive Order 12291 for a period of two years. EPA has submitted a request for a permanent waiver for Table 2 and Table 3 SIP revisions. The OMB has agreed to continue the waiver until such time as it rules on EPA's request. This request continues in effect under Executive Order 12866 which superseded Executive Order 12291 on September 30, 1993.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements.

Authority: 42 U.S.C. 7401–7671q.

Dated: December 5, 1993.

Felicia Marcus,

Regional Administrator.

[FR Doc. 93-30969 Filed 12-17-93; 8:45 am]

BILLING CODE 6560-50-F

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40 CFR Part 52

[CO 33-1-6013; FRL-4816-2]

Clean Air Act Conditional and Limited Approval and Promulgation of PM_{10} Implementation Plan for Colorado

AGENCY: U.S. Environmental Protection Agency (EPA).

ACTION: Notice of proposed rulemaking.

SUMMARY: EPA proposes conditional approval of the State implementation plan (SIP) revisions submitted by Colorado to achieve attainment of the National Ambient Air Quality Standards (NAAQS) for particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers (PM_{10}) in the Denver area, including: control measures; technical analysis (*e.g.*, emission inventory, and attainment) and other Clean Air Act (Act) SIP requirements. The SIP revisions were submitted to satisfy certain Federal requirements for an approvable moderate nonattainment area PM_{10} SIP for Denver and, among other things, contained enforceable control measures and commitments to adopt additional measures. One commitment remains unfulfilled.

EPA is requesting comments on the proposed conditional approval of the SIP revisions. EPA will carefully consider timely comment submissions in determining further conditional approval action.

EPA also proposes to approve the control measures submitted to date by Colorado to achieve the PM_{10} NAAQS (excluding the unfulfilled commitment) for their strengthening effect. EPA is proposing to approve these measures for this limited purpose because making them federally enforceable will advance the Clean Air Act's (Act) NAAQS-related air quality goals. By this "limited" approval, EPA is not proposing that these control measures satisfy the specific Act requirement to implement reasonably available control measures (RACM) (including reasonably available control technology (RACT)) in moderate PM_{10} nonattainment areas.

DATES: Comments on the conditional approval action proposed in this notice must be received in writing by February 18, 1994, and should be labeled as comments addressing the proposed conditional approval. Comments on the limited approval action proposed in this notice must be received in writing by January 19, 1994, and should be labeled as comments addressing the proposed limited approval.

ADDRESSES: Comments should be addressed to: Douglas M. Skie, Chief, Air Programs Branch, SIP Section (8ART-AP), Environmental Protection Agency, Region VIII, 999 18th Street, Suite 500, Denver, Colorado 80202-2466.

Copies of the State's submittals and other information are available for inspection during normal business hours at the following locations: Environmental Protection Agency, Region VIII, Air Programs Branch, 999 18th Street, 6th Floor, South Tower, Denver, Colorado 80202-2466; and Colorado Air Pollution Control Division, 4300 Cherry Creek Dr. South, Denver, Colorado 80222-1530.

FOR FURTHER INFORMATION CONTACT: Callie Videtich at (303) 293-1754.

SUPPLEMENTARY INFORMATION:

I. Background

The Denver, Colorado area was designated nonattainment for PM_{10} and classified as moderate under sections 107(d)(4)(B) and 188(a) of the Act, upon enactment of the Clean Air Act Amendments of 1990.[1] See 56 FR 56694 (Nov. 6, 1991); and 40 CFR 81.306 (specifying PM_{10} nonattainment designation for the Denver metropolitan area). The air quality planning requirements for moderate PM_{10} nonattainment areas are set out in part D, subparts 1 and 4, of Title I of the Act.[2]

The EPA has issued a "General Preamble" describing EPA's preliminary views on how EPA intends to review SIPs and SIP revisions submitted under Title I of the Act, including those State submittals containing moderate PM_{10} nonattainment area SIP requirements (see generally 57 FR 13498 (April 16, 1992) and 57 FR 18070 (April 28, 1992)). Because EPA is describing its interpretations here only in broad terms, the reader should refer to the General Preamble for a more detailed discussion of the interpretations of Title I advanced in this proposal and the supporting rationale. In the conditional approval and limited approval actions on the Colorado moderate PM_{10} SIP for the Denver nonattainment area, EPA is proposing to apply its interpretations considering the specific factual issues presented. Thus, EPA will consider any timely submitted comments before taking final action on these proposals.

Those States containing initial moderate PM_{10} nonattainment areas (those areas designated nonattainment under section 107(d)(4)(B) of the Act) were required to submit, among other things, the following plan provisions by November 15, 1991:

1. Provisions to assure that RACM (including such reductions in emissions from existing sources in the area as may be obtained through the adoption, at a

[1] The 1990 Amendments to the Clean Air Act made significant changes to the Act. See Pub. L. No. 101-549, 104 Stat. 2399. References herein are to the Clean Air Act, as amended ("the Act"). The Clean Air Act is codified, as amended, in the U.S. Code at 42 U.S.C. 7401, *et seq.*

[2] Subpart 1 contains provisions applicable to nonattainment areas generally and Subpart 4 contains provisions specifically applicable to PM_{10} nonattainment areas. At times, subpart 1 and subpart 4 overlap or conflict. EPA has attempted to clarify the relationship among these provisions in the "General Preamble" and, as appropriate, in today's notice and supporting information.

minimum, of RACT) shall be implemented no later than December 10, 1993;

2. Either a demonstration (including air quality modeling) that the plan will provide for attainment as expeditiously as practicable but no later than December 31, 1994 or a demonstration that attainment by that date is impracticable;

3. Quantitative milestones which are to be achieved every 3 years and which demonstrate reasonable further progress (RFP) toward attainment by December 31, 1994; and

4. Provisions to assure that the control requirements applicable to major stationary sources of PM_{10} also apply to major stationary sources of PM_{10} precursors except where the Administrator determines that such sources do not contribute significantly to PM_{10} levels which exceed the NAAQS in the area. See sections 172(c), 188, and 189 of the Act.

Some provisions are due at a later date. States with initial moderate PM_{10} nonattainment areas were required to submit a permit program for the construction and operation of new and modified major stationary sources of PM_{10} by June 30, 1992 (see section 189(a)). Such States also must submit contingency measures by November 15, 1993 which become effective without further action by the State or EPA, upon a determination by EPA that the area has failed to achieve RFP or to attain the PM_{10} NAAQS by the applicable statutory deadline. See sections 172(c)(9) and 57 FR 13510–13512 and 13543–13544. EPA will address these requirements, as appropriate, in future actions.

II. This Action

Section 110(k) of the Act sets out provisions governing EPA's review of SIP submittals (see 57 FR 13565–13566). Section 110(k)(4) of the Act authorizes EPA to approve a plan revision based on a commitment of the State to adopt specific enforceable measures by a date certain, but not later than one year after the date of approval of the plan revision. Section 110(k)(4) further provides that any such conditional approval shall be treated as a disapproval if the State fails to comply with such commitment.

EPA also has authority under sections 110(k)(3) and 301(a) of the Act to approve, for the limited purpose of strengthening the SIP, provisions that do not meet specific Act requirements, but which nevertheless advance the Act's overarching air quality protection goals. As described below, EPA is proposing to grant a conditional approval of Colorado's SIP submitted for the Denver moderate PM_{10} nonattainment area on June 7, 1993 and a limited approval of the control measures contained in that SIP and subsequent submittals described below.

A. EPA's Proposed SIP Processing

1. Proposed Conditional Approval

EPA is proposing to grant conditional approval of the Denver PM_{10} SIP as adopted by the Colorado Air Quality Control Commission (AQCC) on May 24, 1993 and submitted by the Governor of Colorado on June 7, 1993. This submittal contained, among other things, several control measures, commitments to adopt additional specific control measures by a date certain, and an attainment demonstration based on the adoption of all control measures, including those that are the subject of commitments. The State made a submittal dated September 3, 1993 in which it fulfilled two commitments (revising Regulations No. 4 and No. 16). In addition, the State submitted information on October 20, 1993 which fulfilled another commitment (revising Regulation No. 1). EPA is considering these additional submittals in proposing the conditional approval announced today.

The State's submittal demonstrates attainment of the PM_{10} NAAQS by December 31, 1994[3] following the adoption and implementation of the commitments made by the State. At this time, the State's remaining commitment is to revise permit limitations at two stationary sources (Purina Mills and Electron Corporation). The State has committed to submit these permit revisions to EPA no later than December 1, 1993. The unfulfilled commitment impacts, among other things, whether the control measures will provide for timely attainment of the PM_{10} NAAQS and whether the RACM (including RACT) requirement is met. Therefore, EPA is proposing to conditionally approve Colorado's submittal for the Denver area. Once the State fulfills its remaining commitment, EPA will determine whether Colorado's submittals for the Denver area satisfy the applicable PM_{10} SIP requirements and are fully approvable. EPA will announce such action in the **Federal Register** and provide an opportunity for public comment and, if appropriate, may announce such action as an outgrowth of this notice. If EPA finalizes the conditional approval proposed today and the State fails to fulfill its commitment, this conditional approval will be converted to a disapproval[4] (see section 110(k)(4)).

As described in further detail in Part II.B.4. below, EPA has concerns about the accuracy of the attainment demonstration. These concerns stem from information, contained in a technical appendix to the SIP, suggesting that the contribution from PM_{10} precursors[5] was underestimated in the attainment demonstration. Since the SIP demonstrated attainment of the 150 $\mu g/m^3$ 24-hour PM_{10} standard by projecting that the control measures (including the unfulfilled commitment) would reduce worst-case 24-hour ambient PM_{10} levels to 149.9 $\mu g/m^3$, virtually any increase in secondary PM_{10} levels would result in predicted violations of the standard.

Accordingly, EPA is requesting public comment on its proposed conditional approval of the SIP. Such comments must be submitted by February 18, 1994, and should be labeled as comments addressing the proposed conditional approval. Through this notice, EPA is also requesting the State to submit timely comments by February 18, 1994, addressing the issue of the contribution of precursors to the attainment demonstration and any other information relevant to the approvability of the attainment demonstration. This issue is described in more detail in Part II.B.4. below and in EPA's Technical Support Document (TSD) that is available for public review at the EPA address indicated above.

EPA will carefully consider timely submissions from the State and public

[3] The Clean Air Act calls for attainment as expeditiously as practicable but no later than December 31, 1994. Section 188(c)(1). The State's submittal sometimes refers to December 31, 1994 as the attainment date and at other times implies 1995 as the attainment date. EPA interprets that when the State refers to attainment by 1995 it means attainment by January 1, 1995. EPA is proposing to conditionally approve the State's demonstration on the basis of the de minimis differential between the two dates and the fact that, at times, it refers to the attainment date as December 31, 1994. The State should promptly inform EPA if EPA has in any manner misinterpreted the date by which the State is projecting attainment in the Denver Metropolitan nonattainment area.

[4] This approval will become a disapproval upon EPA notification of the State by letter. EPA subsequently will publish a notice in the "Notice's Section" of the **Federal Register** announcing such action and explaining its implications. If EPA determines that it cannot issue a final conditional approval or if the conditional approval is converted to a disapproval, the sanctions clock under section 179(a) will begin. This clock will begin at the time EPA issues a final disapproval or at the time EPA notifies the State by letter that a conditional approval has been converted to a disapproval.

[5] Primary emissions of sulfur dioxide, nitrogen oxides, and volatile organic compounds can be converted in the atmosphere to particulate sulfates, nitrates, and organic compounds that contribute to PM_{10} levels. These emissions, called PM_{10} precursors, are also referred to as secondary emissions in this notice.

in determining whether it should finalize this proposed conditional approval. If necessary, EPA will undertake further technical analysis of this issue.

There are different scenarios that could logically result from this proposed conditional approval. EPA may conclude it is appropriate to finalize the proposed conditional approval. Alternatively, if, for example, the State fulfills its remaining commitment (*i.e.*, submits to EPA the revised emission limits for Purina Mills and Electron Corporation) and EPA concludes that the control measures and attainment demonstration are sufficiently sound, EPA would consider notifying the public, reopening the public comment period, and proposing full approval of the plan. EPA requests public comment on whether EPA would be required to reopen the public comment period before issuing such a final full approval. Another alternative is that EPA may conclude that the attainment demonstration is inaccurate. If so, EPA would not grant the conditional approval and would take appropriate action, including working with the State to address the deficiency.

2. Proposed Limited Approval

As described above, the appropriateness of finalizing the proposed conditional approval will depend on, among other things, EPA's conclusions regarding the accuracy of the attainment demonstration after considering public comments, the State's views, and other relevant analysis. Nevertheless, the SIP submitted to EPA by letter dated June 7, 1993 and the State's subsequent submittals fulfilling its commitments contain control measures that will at least make significant progress toward the goal of attaining the PM_{10} NAAQS. Accordingly, EPA is proposing to approve these control measures for the limited purpose of strengthening the SIP.

A final "limited" approval would not mean that EPA has approved the control measures as satisfying the specific Act requirement for the State to implement RACM (including RACT) in moderate PM_{10} nonattainment areas. See sections 172(c)(1) and 189(a)(1)(C). Rather, a limited approval of these measures by EPA would mean that the emission limitations and other control measure requirements become part of the applicable implementation plan and are federally enforceable by EPA. See, *e.g.*, sections 302(q) and 113 of the Act.

EPA may grant such a limited approval under section 110(k)(3) of the Act in light of the general authority delegated to EPA under section 301(a) of the Act which allow EPA to take actions necessary to carry out the purposes of the Act. EPA requests comments within January 19, 1994, on this proposed limited approval of the plan. Comments on the proposed limited approval should be clearly labeled as such and should address whether the control measures strengthen the SIP and advance the PM_{10} air quality protection goal of the Act, not whether the SIP meets specific Act requirements.

After considering any timely public comments, EPA may immediately take final action on the proposed limited approval, perhaps even before the public comment period on the proposed conditional approval closes. EPA is considering proceeding expeditiously with the limited approval because of the importance of adopting those control measures submitted by the State into the federally-enforceable applicable implementation plan for Denver.

3. Summary of Proposed Actions

In sum, EPA is proposing two actions on the SIP submittals described in this document and supporting information—a conditional approval and a limited approval. EPA is proposing a conditional approval and requesting public and State comment on the proposed conditional approval within February 18, 1994.

EPA is also proposing to grant a limited approval to the control measures submitted to EPA thus far for Denver and requests public comments within January 19, 1994, on this action. EPA proposes to approve these measures and make them federally enforceable because they will make significant notable progress toward the overarching PM_{10} attainment goal of the Act. In finalizing a limited approval, EPA would not be concluding that the measures fully satisfy the specific Act requirement to implement RACM (including RACT) in moderate PM_{10} nonattainment areas.

Finally, as indicated above, these two proposed actions involve different factual and legal determinations. Therefore, EPA has tailored the time provided for public comment to reflect this. For the same reason, after considering any timely public comments, EPA may very well take final actions on these different proposals in separate notices.

B. Analysis of State Submission

1. Procedural Background

The Act requires States to observe certain procedural requirements in developing implementation plans and plan revisions for submission to EPA. Section 110(a)(2) of the Act provides that each implementation plan submitted by a State must be adopted after reasonable notice and public hearing.[6] Section 110(1) of the Act similarly provides that each revision to an implementation plan submitted by a State under the Act must be adopted by such State after reasonable notice and public hearing.

The EPA also must determine whether a submittal is complete and therefore warrants further EPA review and action (see section 110(k)(1) and 57 FR 13565). The EPA's completeness criteria for SIP submittals are set out at 40 CFR part 51, appendix V (1992). The EPA attempts to make completeness determinations within 60 days of receiving a submission. However, a submittal is deemed complete by operation of law if a completeness determination is not made by EPA six months after receipt of the submission.

After providing reasonable notice, the State of Colorado held a public hearing on May 20, 1993 to entertain public comment on the implementation plan for Denver. Following the public hearing, the plan was adopted by the State. On June 7, 1993 the Governor signed and submitted the proposed SIP revision to EPA.

The SIP revision was reviewed by EPA to determine completeness shortly after its submittal, in accordance with the completeness criteria set out at 40 CFR part 51, appendix V (1992). The submittal was found to be complete on June 15, 1993 and a letter dated June 15, 1993 was forwarded to the Governor indicating the completeness of the submittal and the next steps to be taken in the review process.

As previously noted, the submittal contained certain commitments to adopt specific enforceable measures by a date certain in the future. Most of these commitments have been fulfilled and submitted to EPA. After providing reasonable notice, the State of Colorado held public hearings on August 20, 1992 and June 24, 1993 to entertain public comments on revisions to Regulation No. 4 regulating the sale of new woodstoves and the use of certain woodburning appliances during high pollution days. On August 15, 1991 and June 24, 1993 the State heard public comments on the originally adopted, and revisions to, Regulation No. 16 concerning material specifications for, use of and cleanup of street sanding materials. On August 19, 1993 a public hearing was held to receive comments

[6] In addition, section 172(c)(7) of the Act requires that plan provisions for nonattainment areas meet the applicable provisions of section 110(a)(2).

on Regulation No. 1 which contains emissions limits at three Public Service Company power plants and restricts the use of oil as a back-up fuel. Following the public hearings, Regulations No. 4, No. 16 and No. 1 were adopted by the State. On September 3, 1993 the Governor signed and submitted the revisions for Regulations No. 4 and No. 16. On October 20, 1993 the Governor signed and submitted the Regulation No. 1 revisions to EPA. On November 15, 1993 EPA informed the Governor that the two submittals, to revise Regulations No. 1, No. 4 and No. 16 were found to be administratively and technically complete.

The unfulfilled commitment involves control measures that bear on whether Colorado's PM_{10} submittals for the Denver area will meet, among other things, the RACM (including RACT) requirement and the requirement to provide for timely attainment of the PM_{10} NAAQS in the area (or to demonstrate that the moderate area cannot practicably attain by the applicable statutory deadline and therefore should be reclassified as serious). Accordingly, as described in Part II. A. above, EPA proposes to conditionally approve the Colorado PM_{10} SIP submittals for Denver pursuant to section 110(k)(4) of the Act and invites public comment on the action.[7]

Finally, since the Denver PM_{10} SIP requirements due November 15, 1991 were not submitted by that date, as required by section 189(a)(2)(A) of the Act, EPA made a finding, pursuant to section 179 of the Act, that the State failed to submit the SIP and so notified the Governor in a letter dated December 16, 1991 (see 57 FR 19906 (May 8, 1992)). As noted, the Denver PM_{10} SIP was submitted on June 7, 1993, EPA found the submittal complete pursuant to section 110(k)(1) of the Act and notified the Governor accordingly in a letter dated June 15, 1993. This completeness determination corrected the State's deficiency (i.e., its failure to submit a SIP for the area) and, therefore, stopped the sanctions clock under section 179 of the Act.

2. Accurate Emissions Inventory

Section 172(c)(3) of the Act requires that nonattainment plan provisions include a comprehensive, accurate, current inventory of actual emissions from all sources of relevant pollutants in the nonattainment area[8]. The emissions inventory also should include a comprehensive, accurate, and current inventory of allowable emissions in the area (see, *e.g.*, section 110(a)(2)(K)). Because the submission of such inventories is a necessary adjunct of an area's attainment demonstration (or demonstration that the area cannot practicably attain), the emissions inventories must be received with the SIP revision containing the demonstration (see 57 FR 13539).

Colorado submitted an emissions inventory for base year 1989 (based on actual emissions) and an emissions inventory for attainment year 1995[9] (based on allowable emissions). The winter 1989 inventory is intended to represent all sources of primary PM_{10}, as well as all sources of the PM_{10} precursors (nitrogen oxides and sulfur dioxide (NO_X and SO_2)). The precursor emissions are important because filter analyses performed in conjunction with chemical mass balance modeling indicated that a significant portion (35%) of the PM_{10} monitored consisted of secondary ammonium sulfate and nitrate.

The winter time 1989 base year inventory identified reentrained road dust (44%), wood burning (18%) and street sanding (8.5%) as the principal contributors to primary PM_{10}. Other primary PM_{10} sources include unpaved road dust contributing 7% and point sources contributing 4% of the total PM_{10}.

The secondary emissions, 35% of total PM_{10}, are divided between NO_X and SO_2. For NO_X, the stationary sources contribute 44% of the total, with vehicle exhaust at 35% and natural gas from residential and commercial usages at 13.5%. The prime sources of SO_2 include stationary sources with 93% of the total SO_2 emissions and vehicle exhaust with 5%. For further details see the TSD which is available for public review at the address indicated at the beginning of this notice.

3. RACM (Including RACT) and Other Control Measures

As noted, the initial moderate PM_{10} nonattainment areas must submit provisions to assure that RACM (including RACT) are implemented no later than December 10, 1993 (see sections 172(c)(1) and 189(a)(1)(C)). The General Preamble contains a detailed discussion of EPA's interpretation of RACM (including RACT) (see 57 FR 13539–13545 and 13560–13561).

Four source categories were identified as the major contributors to the PM_{10} nonattainment problem in Denver. The following Table identifies these sources/source categories, their respective control measures and associated emissions reductions expected to be achieved in the Central Business District (CBD), and the effective dates of these measures. Many of the control measures implemented in the CBD are also implemented area-wide as indicated in the TSD. Generally, the CBD is where exceedances of the standard have occurred and, therefore, an important focus for the implementation of some of the control measures. Note that when comparing the 1989 base year actual emissions inventory to the 1995 attainment year allowable emissions inventory for the entire nonattainment area there is actually an increase in PM_{10} emissions. This is due to the fact that the suburban area of Denver has grown over the past several years. Nevertheless, the State demonstrates timely attainment area-wide, assuming adoption of the unfulfilled commitment. To show timely attainment of the standard, woodburning and effective street sanding and sweeping controls had to be developed. As a result of these controls, as well as the other control strategies (described further in the TSD), the CBD shows a reduction in PM_{10} emissions from base year 1989 to the attainment year 1995, as well as demonstrates timely attainment of the standard.

DENVER CENTRAL BUSINESS DISTRICT (CBD) PM_{10} SIP CONTROL STRATEGIES

Source	Control	PM_{10} emissions reduction (tons/yr)	Effective date
Residential Wood Burning. (These control measures are implemented area-wide.).	High pollution day wood burning restriction program (and revisions).	....	Existing (8/31/93).

[7] As described previously, EPA also proposes a limited approval of the PM_{10} control measures submitted to date for Denver for the limited purpose of strengthening the SIP.

[8] The EPA issued guidance on PM–10 emissions inventories prior to the enactment of the Clean Air Act Amendments in the form of the 1987 *PM–10 SIP Development Guideline*. The guidance provided in this document appears to be consistent with the revised Act.

[9] See footnote 3.

DENVER CENTRAL BUSINESS DISTRICT (CBD) PM_{10} Sip Control Strategies—Continued

Source	Control	PM_{10} emissions reduction (tons/yr)	Effective date
	Requirements that new or remodeled construction use a new cleaner wood burning approach.		1/1/93.
	Conversion program from existing wood burning to cleaner burning technology.		Fall 1992.
	New stove and fireplace insert certification		1/1/93.
		146.7	
Street Sanding and Sweeping of Paved Streets. (Most of these control measures are implemented area-wide.).	Material specifications for street sanding material		8/91.
	Local management plans.		
	Enhanced street sanding and sweeping in Central Denver and the I–25 Corridor.		11/1/93.
		129.1	
Stationary Sources	Minor point sources	0	12/1/93.
	Restrictions on oil use[a]	([b])	11/1/93.
	Regulation limits for precursor emissions	([b])	1/1/95[c].
Mobile Sources. (These control measures are implemented area-wide.).	Light duty vehicle, light duty truck NO_x standards		12/10/93.
	Urban bus particulate standards		
	Diesel fuel sulfur limitations		
	MAC light rail line		
	Express bus service from Denver to new Denver International Airport		
	CommuterCheck program		
	ECOPass		
	CU Student bus pass		
		+60[d]	
Total reduction		173.6[e]	

[a] As with the RACM (including RACT) provisions of the SIP, these control measures are described further in the TSD.

[b] In order to prevent growth in regional scale precursor emissions (NO_x and SO_2) from offsetting the benefits of emission reduction measures in the CBD, allowable emission rates for stationary source PM_{10} precursor emissions will be limited through regulatory oil use restrictions and precursor limitations at three power plants. These measures are discussed in Part II. B. 5., and in greater detail in the TSD to this document.

[c] Controls become enforceable measures on October 30, 1993. However, the controls are being implemented for maintenance of the NAAQS, and will become effective on January 1, 1995.

[d] Emissions from mobile sources increase from 1989 to 1995. However, if the mobile source controls implemented as a result of the SIP had not been made the projected increases would have been significantly higher.

[e] The "Total Reduction" shown does not equal the emission reductions and increases for the SIP's credited control strategies depicted in the Table above. The "Total Reductions" includes emission increases and decreases from a total of 16 source categories not all of which are represented in the SIP's control strategies depicted in the Table above. The total percent reduction from all the sources within the CBD, including SIP reduction strategies, is 6.1% (173.6 tons/year) from the 1989 (actuals) base year to the 1995 (allowables) attainment year.

A more detailed discussion of the individual source contributions and their associated control measures (including available control technology) can be found in the TSD. As indicated, the State is in the process of revising emission limits for two sources and has committed to submit those revisions to EPA no later than December 1, 1993. EPA has reviewed the State's documentation and proposes to conclude that it adequately justifies the control measures that will be implemented. Therefore, by this document, EPA is proposing to conditionally approve the Denver PM_{10} plan as meeting the RACM (including RACT) requirement. See section 110(k)(4) of the Act. However, EPA has some concerns about whether the control measures contained in and committed to in the SIP will provide for timely attainment (see Part II. B. 4., below). While EPA's current judgement is to propose to determine that implementation of Colorado's PM_{10} nonattainment plan for Denver, including the unfulfilled commitment, will result in the attainment of the PM_{10} NAAQS by December 31, 1994, EPA will give careful consideration to any comments bearing on this proposed determination.

In addition, as described Part II. A. 2. above, EPA is proposing a limited approval of the control measures submitted by the State of Colorado, excluding the outstanding revisions of the permit limits at the two stationary sources. EPA is proposing to grant a limited approval to the submitted control measures (with the above-mentioned exclusions) because they strengthen the existing SIP and represent a significant improvement over what is currently in the SIP. As indicated above, EPA is not proposing to fully approve these control measures under section 110(k)(3) as satisfying the specific requirement to implement RACM (including RACT) in moderate PM_{10} nonattainment areas.

4. Demonstration

As noted, the initial moderate PM_{10} nonattainment areas must submit a demonstration (including air quality modeling) showing that the plan will provide for attainment as expeditiously as practicable but no later than December 31, 1994 (see section 189(a)(1)(B) of the Act). Alternatively, the State must show that attainment by December 31, 1994 is impracticable. Colorado conducted an attainment demonstration using dispersion modeling for primary PM_{10} and proportional rollback modeling analysis for secondary particulate concentrations for the Denver area. This demonstration indicates that the NAAQS for PM_{10} will be attained in Denver by December 31, 1994 at a modeled concentration of 149.9 $\mu g/m^3$ and will be maintained in future years. (During review of technical information supporting the SIP, EPA examined information relating to the contribution of PM_{10} precursors to overall PM_{10} concentrations which caused concern about the accuracy of the SIP's attainment demonstration. See the information presented later in this Part for further information about this issue.) The 24-hour PM_{10} NAAQS is 150 micrograms/cubic meter (µg/m³), and the standard is attained when the expected number of days per calendar year with a 24-hour average concentration above 150 µg/m³ is equal to or less than one (see 40 CFR 50.6). The EPA recognizes that the margin between the attainment demonstration (149.9 µg/m³) and the 24-hour standard (150 µg/m³) is narrow. The standard will be achieved only if the State adheres strictly to the implementation of control measures required by the SIP.

EPA's concern about this narrow margin is underscored by information potentially bearing on the accuracy of the attainment demonstration. During review of the technical support documentation of the SIP, EPA examined information contained in Volume 14, Appendix B which caused concern about the accuracy of the SIP's 149.9 µg/m³ attainment demonstration. The information includes an analysis of filter data and the conclusions presented regarding those data. The filter data were collected during 6 days of PM_{10} concentrations above 120 µg/m³ (six of the nine samples exceeded the 24-hour 150 µg/m³ standard). The filters were collected in February 1986, December 1987, December 1992 and January 1993. The State conducted an analysis of the filters, known as a chemical mass balance analysis, which involves examining and estimating, from the monitoring filters, the contribution of various sources with respect to the recorded PM_{10} levels. Statistical analysis of the filter data, presented in Volume 14, appendix B, suggests that the contribution from PM_{10} "precursors" (*i.e.*, nitrogen oxides and sulfur dioxides) in the base year winter season may be 5.2 µg/m³ greater than originally calculated. When this value is proportioned to the attainment year, the value of the precursor contribution to total PM_{10} is calculated as 9 µg/m³ greater than the precursor contribution in the attainment demonstration. Since the attainment demonstration provided with the SIP is 149.9 µg/m³, virtually any increase in precursor PM_{10} levels would result in predicted violations of the standard.

The methods that should be employed to analyze the filter data and how to consider such information in light of other available data involve complex technical judgments. Because of this, the EPA, in this notice, is encouraging the State to submit timely comments addressing the issue of the precursor contribution to the attainment demonstration and any other information relevant to the accuracy of the attainment demonstration. As indicated in Part II. A. above, EPA will determine whether to finalize the proposed conditional approval or take alternative action after considering, among other things, the information that the State and public submit relating to the precursor issue and the accuracy of the attainment demonstration.

Finally, because there have been no exceedances of the annual average PM_{10} standard in the Denver metro area, an attainment analysis of the annual standard was not performed. EPA proposes to find that the controls adopted to protect the 24-hour standard are sufficient to maintain the annual standard. The control strategy used to achieve the 24-hour standard is summarized in the part above titled "RACM (including RACT) and Other Control Measures." For a more detailed description of the attainment demonstration and the control strategy, see the TSD accompanying this document.

5. PM_{10} Precursors

The control requirements which are applicable to major stationary sources of PM_{10}, also apply to major stationary sources of PM_{10} precursors unless EPA determines such sources do not contribute significantly to PM_{10} levels in excess of the NAAQS in that area (see section 189(e) of the Act). The General Preamble contains guidance addressing how EPA intends to implement section 189(e) (57 FR 13539–13540 and 13541–13542).

An analysis of air quality and emissions data for the Denver nonattainment area demonstrates that exceedances of the PM_{10} NAAQS are attributable both to direct particulate matter emissions from wood burning, street sanding, street sweeping, and other mobile sources, and to precursor emissions from stationary sources. Further, the dispersion and chemical mass balance modeling for base year 1989 identified precursor emissions of NO_x and SO_2 as contributing 35% to the ambient PM_{10} concentration. (Percentage contribution from reconciliation results of the two models on the highest monitored day, December 17, 1987, at the Welby site.) Consequently, major stationary sources of these precursors are required to comply with all control requirements of the PM_{10} nonattainment area plan which apply to major stationary sources of PM_{10} (i.e, RACT for moderate areas, best available control technology (BACT) for serious areas, and New Source Review (NSR) permitting control requirements).

As indicated above, EPA proposes to conditionally approve the State's submittal as meeting RACM (including RACT). EPA's proposed conditional approval of RACT extends to those control requirements applicable to the major stationary sources of PM_{10} precursors. Specifically, EPA proposes to find that the emission limits and commitments mentioned above are reasonable and conditionally approvable because they provide for timely attainment of the PM_{10} NAAQS. Additionally, these measures help ensure maintenance of the NAAQS. The State is currently in the process of developing a NSR program for new and modified major stationary sources of PM_{10} precursors. This requirement was due independently of the specific PM_{10} requirements addressed in this document. EPA will act on the NSR requirement in a separate notice. Further discussion of the data and analyses addressing the contribution of precursor sources in this area is contained in the TSD accompanying this document.

6. Quantitative Milestones and Reasonable Further Progress (RFP)

The PM_{10} nonattainment area plan revisions demonstrating attainment must contain quantitative milestones which are to be achieved every three years until the area is redesignated attainment and which demonstrate RFP, as defined in section 171(1), toward attainment by December 31, 1994 (see section 189(c) of the Act). RFP is defined in section 171(1) as such annual incremental reductions in emissions of the relevant air pollutant as are required by part D or may reasonably be required by the Administrator for the purpose of ensuring attainment of the applicable NAAQS by the applicable date.

In considering the quantitative milestones and RFP provisions for this initial moderate area, EPA has reviewed the attainment demonstration for the area to determine the nature of any milestones necessary to ensure timely attainment and whether annual incremental reductions should be required in order to ensure attainment of the PM_{10} NAAQS by December 31, 1994 (see section 171(1) of the Act). EPA is proposing to conditionally approve the PM_{10} SIP for the Denver nonattainment area as demonstrating attainment by December 31, 1994. EPA is also proposing to conditionally approve the submittal as satisfying the initial quantitative milestone requirement[10] and proposes to conditionally find that the emissions reductions projected meet RFP.

Further, to demonstrate continued maintenance of the standard, the State has adopted new allowable emission limitations for three Public Service Company sources—Cherokee, Arapahoe and Valmont. (In the original June 7, 1993 SIP submittal, the Governor committed to adopt and submit these limits by October 30, 1993. The adopted limits were submitted to EPA on October 20, 1993.) The effective date of the new limits is January 1, 1995. These limits will further reduce precursor emissions in order to assure on-going maintenance of the NAAQS through 1997.

The assurance that the initial milestone and reasonable further progress will be achieved is based upon the State adopting and implementing the particular control measures contained in the SIP which are addressed in Part II. B. 3. "RACM (including RACT) and Other Control Measures" of this document. However, this includes consideration of a commitment which has not yet been met or submitted to EPA as enforceable emission limits through permits or regulation revisions (*i.e.*, permit limits at Purina Mills and Electron Corporation). Consequently, EPA is conditionally approving these control measures as meeting RACM (including RACT) and thus is also proposing to conditionally approve the SIP as meeting the initial milestone and reasonable further progress.

7. Enforceability Issues

All measures and other elements in the SIP must be enforceable by the State and EPA (see sections 172(c)(6) and 110(a)(2)(A) of the Act and 57 FR 13556). The EPA criteria addressing the enforceability of SIPs and SIP revisions were stated in a September 23, 1987 memorandum (with attachments) from J. Craig Potter, Assistant Administrator for Air and Radiation, et al. (see 57 FR 13541). Nonattainment area plan provisions must also contain a program that provides for enforcement of the control measures and other elements in the SIP (see section 110(a)(2)(C) of the Act).

The State of Colorado has a program that will ensure that the measures contained in the SIP are adequately enforced. In addition to the specific authority cited under descriptions of the control measures, the State's Attorney General has provided an opinion citing the authorities contained in the Colorado Air Pollution Prevention and Control Act which provide the State with the authority to enforce state air regulations against local entities, and enforce local air pollution requirements when local entities fail to do so. This is consistent with section 110(a)(2)(E) of the Act.

The Air Pollution Control Division (APCD) has the authority to implement and enforce all emission limitations and control measures adopted by the AQCC, as provided for in C.R.S. 25–7–111. In addition, C.R.S. 25–7–115 provides that the APCD shall enforce compliance with the emission control regulations of the AQCC, the requirements of the SIP, and the requirements of any permit. Civil penalties of up to $15,000 per day per violation are provided for in C.R.S. 25–7–122 for any person in violation of these requirements, and criminal penalties are provided for in C.R.S. 25–7–122.1. Thus, the APCD has adequate enforcement capabilities to ensure compliance with the Denver PM_{10} SIP and the State-wide regulations.

The particular control measures contained in the SIP submittals apply to the types of activities identified in Part II. B. 3. and the discussion following, including: residential wood burning; sanding and sweeping of paved roads; mobile sources; and reductions of secondary particulates from major stationary sources. As explained in the following discussion, the control measures appear to be adequately enforceable. Accordingly, EPA is proposing to conditionally approve the control measures and also grant limited approval of the measures to strengthen the federally approved SIP. However, EPA will form a judgment about the enforceability of the control measures to be submitted in fulfillment of the State's commitment when EPA receives and reviews those measures. The TSD contains further information about enforceability requirements, including a discussion of the personnel and funding intended to support effective implementation of the control measures.

a. *Residential Wood Burning Controls.* 1. High Pollution Day Wood Burning Restrictions: Regulation No. 4 requires the APCD to implement and enforce wood burning restrictions in areas without existing local enforceable ordinances. To ensure proper enforcement, the APCD contracts with local health departments to execute the enforcement provisions of the Regulation. In communities where local ordinances regulating wood burning were in place prior to January 1, 1990, the local government is responsible for enforcement of its ordinance, including issuing fines, penalties, warnings, and conducting inspections. (Local ordinances cover approximately 85% of the Denver metro area.) The State has authority to enforce local ordinances, in place prior to January 1, 1990, if local governments fail to do so.

2. Clean Wood Burning Technology for New or Remodeled Construction: Beginning on January 1, 1993 state law requires that new or remodeled fireplaces in new or remodeled structures must be gas appliances, electric devices, or low emissions fireplace inserts meeting the EPA Phase II New Source Performance Standard (NSPS) or State adopted Phase III requirements. (EPA's Phase II and Colorado's Phase III requirements are equivalent.) Under the law, the fireplace restrictions must be adopted as building code revisions by each local government and be enforced through the normal code enforcement programs of each community. This requirement became effective on January 1, 1993.

3. Encourage Conversion of Existing Wood Burning Units to Cleaner Burning Technology: Legislation passed in 1992 required that the lead air quality planning organization (the Regional Air Quality Council) develop and implement a financial incentive program to provide subsidies toward the purchase of new cleaner technologies. Additionally, retailers must report the number of purchases of certified stoves or inserts, and gas or electric fireplaces to the Colorado Department of Revenue and submit a $1 fee for each certification of conversion. Under the program, the Department of Revenue is responsible for tracking conversions to cleaner technologies, reported by retailers, and reporting the status of the conversion program to the AQCC.

4. New Stove and Fireplace Insert Certification: State law prohibits the resale and/or installation of any uncertified wood burning device in the metro Denver area after January 1, 1993. The law is enforced through the building code provisions of the various local governments within the Denver area.

b. *Street Sanding and Cleaning Controls.* 1. Material Specifications for Street Sanding Material: Regulation No. 16 sets specifications for fines and durability of new and recycled sanding materials, and requires that sand providers and users conduct testing and report the quality of sanding materials and amounts used during the winter

[10] The emissions reduction progress made prior to the attainment date of December 31, 1994 (only 46 days beyond the November 15, 1994 milestone date) will satisfy the first milestone requirement (57 FR 13539). The de minimis timing differential makes it administratively impracticable to require separate milestone and attainment demonstrations.

season to the APCD. The Regulation is enforced through authority provided to the State by statute.

2. Local Management Plans: Regulation No. 16 requires State and local agencies that apply street sand to develop and submit a plan for reducing their use of sand by 20% from 1989 base year levels. The agencies are required to adopt ordinances or resolutions to support the plans, to submit the plans by September 30, 1993, and to implement the plans by November 1, 1993. The agencies are also required to submit annual reports to the APCD documenting the reductions in sand use achieved through implementation of the plans. The Regulation is enforced through authority provided to the State by statute.

3. Enhanced Street Sanding and Sweeping Practices in Central Denver and the Interstate 25 Corridor: Regulation No. 16 requires Denver to implement a management plan providing for a 30% reduction in sand use. In addition, the SIP requires Denver to sweep all streets in the CBD within four days of a sanding event. Because of modeled violations of the NAAQS in the I–25 corridor south of the CBD, the SIP requires the Colorado Department of Transportation (CDOT) to sweep I–25 and its ramps within four days of a sanding event. The Regulation is enforced through authority provided to the State by statute.

c. *Other Mobile Source Emission Reduction Measures.* The SIP contains a variety of mobile source control measures included in the 1990 Clean Air Act Amendments in addition to the street sanding and sweeping controls. These mobile source measures include the new light-duty vehicle, light-duty truck NO_x standards, urban bus particulate standards, and diesel fuel sulfur limitations. Particulate emission reductions are also incorporated for two existing State programs, the diesel inspection and maintenance program and the oxygenated fuels program (Regulations 12 and 13). These programs were developed independently from the PM_{10} SIP but are included because of their particulate matter reduction benefit. The Act required programs are enforced by the federal government while the State regulations are enforced by the APCD.

The SIP also includes a number of transportation control measures to slow growth in vehicle miles travelled. These are not measures that were developed specifically for the SIP, but measures that are already planned or underway in the Denver area and accounted for in the mobile source modeling for the attainment year. These measures are assumed to be implemented by 1995 and have been included in the transportation modeling supporting the attainment and maintenance demonstrations. The Regional Transportation District (RTD) is implementing these measures through its Transit Development Plan which has been adopted by the RTD Board of Directors.

The measures for which the SIP takes credit within the transportation modeling include the MAC Light Rail Line and additional express bus service to the new Denver International Airport. Also, several programs aimed at attracting new ridership are being implemented. These new programs include the CommuterCheck program, ECOPass, and the CU Student Pass Program. Through the implementation of these and other marketing programs, transit ridership is expected to increase by 20% between 1989 and 1995. A complete description of the measures included in the SIP is found in Section VIII of the SIP.

The Act requires that all federally funded transportation measures be included in a conforming Regional Transportation Plan and Transportation Improvement Program (TIP). Because the implementation of these measures must conform to the SIP, any changes to the federally funded measures included in the attainment demonstration must go through a conformity analysis before they can be implemented. The existing TIP has been found to conform with the SIP. Currently, the local metropolitan planning organization is revising its Regional Transportation Plan as required by the Intermodel Surface Transportation Efficiency Act. The conforming transportation plan was adopted in October 1993.

d. *Stationary Source Measures.* To control emissions from stationary sources, Colorado (APCD) enforces both permit limitations and regulations through authority provided under State statute. The June 7, 1993 SIP submittal contains commitments for the State to revise permit limitations at two stationary sources and to revise Regulation No. 1 to control emissions at stationary sources. The Governor submitted the revisions to Regulation No. 1 on October 20, 1993. The commitment to revise permit limitations at two stationary sources must still be fulfilled. The State is scheduled to fulfill the commitment by December 1, 1993. See the discussion under Part II. D. contained in the TSD for more information on the permit and regulation revisions at stationary sources.

8. Contingency Measures

As provided in section 172(c)(9) of the Act, all moderate nonattainment area SIPs that demonstrate attainment must include contingency measures (see generally 57 FR 13510–13512 and 13543–13544). These measures must be submitted by November 15, 1993 for the initial moderate nonattainment areas. Contingency measures should consist of other available measures that are not part of the area's control strategy. These measures must take effect without further action by the State or EPA, upon a determination by EPA that the area has failed to make RFP or attain the PM_{10} NAAQS by the applicable statutory deadline. Colorado chose to submit the contingency measures separate from the PM_{10} SIP requirements addressed in this document. EPA will take separate action on the contingency measures when they are submitted by the State or as otherwise appropriate.

III. Request for Public Comments

The EPA is requesting comments on all aspects of this proposal. As indicated elsewhere in this document, EPA will consider any comments received by February 18, 1994, on the appropriateness of the proposed conditional approval action. In addition, EPA will consider any comments received by January 19, 1994, on the proposed limited approval of the control measures. Comments should be labeled in a manner clearly indicating whether they address the conditional approval proposed, limited approval proposed or both proposals. Any combined comments addressing both proposed actions must be received by January 19, 1994, (*i.e.*, the close of the comment period on the proposed limited approval).

IV. Executive Order 12866

The OMB has exempted this rule from the requirements of section 6 of Executive Order 12866.

V. Regulatory Flexibility

Under the Regulatory Flexibility Act, 5 U.S.C. 600 *et seq.*, EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. 5 U.S.C 603 and 604. Alternatively, EPA may certify that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

SIP approvals under sections 110 and 301, and subchapter I, part D of the Act and conditional SIP approvals under section 110 and subchapter I, part D of the Act do not create any new requirements, but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP-approval does not impose any new requirements, I certify that it does not have a significant impact on small entities affected. Moreover, due to the nature of the Act, preparation of a regulatory flexibility analysis would constitute federal inquiry into the economic reasonableness of state action. The Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co.* v. *U.S. E.P.A.*, 427 U.S. 246, 256–66 (S.Ct. 1976); 42 U.S.C. 7410(a)(2).

If the conditional approval is converted to a disapproval under section 110(k)(4), the disapproval will not affect any existing state requirements applicable to small entities. Federal disapproval of the State submittal does not affect its state-enforceability. Moreover, EPA's disapproval of the submittal does not impose a new federal requirement. Therefore, EPA certifies that such disapproval action would not have a significant impact on a substantial number of small entities because it would not remove existing state requirements nor substitute a new federal requirement.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Intergovernmental relations, Nitrogen dioxide, Particulate matter, Reporting and recordkeeping requirements, Sulfur dioxide, and Volatile organic compounds.

Authority: 42 U.S.C. 7401–7671q.

Dated: December 2, 1993.

Jack W. McGraw,

Acting Regional Administrator.

[FR Doc. 93–30970 Filed 12–17–93; 8:45 am]

BILLING CODE 6560–50–P

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40 CFR Parts 52 and 81

[OH06–1–5069, OH01–1–5046, OH32–1–5776; FRL–4813–4]

Approval of Maintenance Plan and Designation of Areas for Air Quality Planning Purposes; Ohio

AGENCY: United States Environmental Protection Agency (USEPA).

ACTION: Proposed rule.

SUMMARY: This action responds to a request from the State of Ohio to redesignate Columbiana, Jefferson and Preble Counties, Ohio to attainment for ozone based on supporting monitoring data the State has submitted. Under the Clean Air Act (CAA), area designations can be changed if sufficient data is available to warrant such change. USEPA is proposing to disapprove the redesignation requests for these areas as revisions to Ohio's State Implementation Plan (SIP) for ozone. The redesignations are being disapproved because the areas lack maintenance plans and adequate demonstrations that the improvement in air quality was due to permanent and enforceable emissions reductions. In addition, USEPA must approve corrections of the enforceability deficiencies in the volatile organic compound (VOC) reasonably available control technology (RACT) rules before these areas can be redesignated to attainment for ozone.

DATES: Comments on this requested redesignation and SIP revision, and on the proposed USEPA action must be received by January 19, 1994.

ADDRESSES: Written comments should be sent to:

William L. MacDowell, Chief, Regulation Development Section, Air Enforcement Branch (AE–17J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois, 60604.

U.S. Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois, 60604.

FOR FURTHER INFORMATION CONTACT: Angela Lee, Regulation Development Section,Air Enforcement Branch (AE–17J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Region 5, Chicago, Illinois, 60604, (312) 353–5142.

SUPPLEMENTARY INFORMATION: Under section 107(d) of the pre-amended Clean Air Act (CAA), the United States Environmental Protection Agency (USEPA) promulgated the ozone attainment status for each area of every State. For Ohio, USEPA designated Columbiana, Jefferson and Preble Counties as nonattainment areas for ozone. See 43 FR 8962 (March 3, 1978), and 43 FR 45993 (October 5, 1978). On November 15, 1990, the Clean Air Act Amendments of 1990 (CAAA) were enacted. Public Law No. 101–549, 104 Stat. 2399, codified at 42 U.S.C. 7401–7671q. Pursuant to section 107(d)(4)(A) of the amended Act, the Preble County Area, Steubenville Area, and Columbiana County Area in Ohio retained their designations of nonattainment for ozone as a result of monitored violations of the ozone National Ambient Air Quality Standard (NAAQS) during 1988 and 1989.

The Steubenville Area consists of Jefferson County which is a transitional nonattainment area for ozone. Preble County is also a transitional nonattainment area for ozone. Columbiana County is an incomplete data nonattainment area for ozone. See 56 FR 56694 (November 6, 1991). The Ohio Environmental Protection Agency (OEPA) requested that Preble County be redesignated to attainment in a letter to USEPA dated May 23, 1986. The OEPA requested the redesignation of Jefferson and Columbiana Counties to attainment in a letter to USEPA dated July 14, 1986.

USEPA has provided guidance on the redesignation process as set forth in section 107(d)(3)(E) of the amended Act in two memoranda. The first, dated September 4, 1992, was issued by John Calcagni, Director, Air Quality Management Division, Subject: Procedures for Processing Requests to Redesignate Areas to Attainment (Redesignation Memorandum). The second, dated September 17, 1993, was signed by Michael Shapiro, Acting Assistant Administrator for Air and Radiation, Subject: State Implementation Plan (SIP) Requirements for Areas Submitting Requests for Redesignation to Attainment of the Ozone and Carbon Monoxide (CO) National Ambient Air Quality Standards (NAAQS) on or after November 15, 1992. These guidance memoranda were used in the evaluation of Ohio's submittal.

After careful review of the request and supporting data, USEPA has concluded that Ohio has not demonstrated that its request meets all of the requirements for redesignation pursuant to CAA section 107(d)(3)(E). Section 107(d)(3)(E) requires that USEPA make the determination that certain criteria have been met before redesignating a nonattainment area to attainment. The required criteria are discussed in the following sections.

Section 107(d)(3)(E)(i). USEPA Must Determine That the Area Has Attained the National Ambient Air Quality Standard (NAAQS)

Consistent with the requirements of 40 CFR 50.9, the most recent three years of ozone air quality monitoring data, 1990–1992, for Preble, Jefferson and Stark Counties do not show any violations of the ozone NAAQS during that period. Since there are no monitors in Columbiana County, the monitoring data for Stark County, which is located upwind of Columbiana County, is used in the evaluation of the air quality in Columbiana County.

Section 107(d)(3)(E) (ii) and (v). USEPA Must Have Fully Approved the Applicable Implementation Plan for the Area Under Section 110(k) and the State Containing Such Area Must Have Met all Requirements Applicable to the Area Under Section 110 and Part D

In 1980, USEPA fully approved Ohio's SIP for Columbiana, Jefferson and Preble Counties as meeting the requirements of section 110(a)(2) and part D of the 1977 Act. (45 FR 72143, 45 FR 72122, 56 FR 56694, 45 FR 72122). The amended Act, however, modified section 110(a)(2) and, under part D, revised section 172 and added new requirements for classified nonattainment areas. For purposes of redesignation, to meet the requirement that the SIP contain all applicable requirements under the Act, USEPA has reviewed the SIP to ensure that it contains all measures that were due under the amended Act prior to or at the time the State submitted a complete redesignation request. Because the State submitted its redesignation request prior to enactment, the measures that are applicable are those that were due upon enactment or prior to redesignation. These requirements are identified and reviewed below.

A. Section 110 Requirements

Although section 110 was amended by the 1990 Amendments, the SIP for Columbiana, Jefferson and Preble Counties meets the requirements of amended section 110(a)(2). A number of requirements did not change in substance—section 110(a)(2)(B); (C); (E)(i) and (ii); (F); (G); (H); (J); (L) and (M)—and, therefore, USEPA believes that the pre-amendment SIPs met these requirements. A few of the other requirements deserve a more detailed analysis; this analysis is located in the TSD which is available at the USEPA address listed in the addresses section of this proposal. USEPA believes that the State has met these requirements.

B. Part D Requirements

Before Columbiana, Jefferson and Preble Counties may be redesignated to attainment, the State must have fulfilled the applicable requirements of part D for these areas. Under part D, an area's classification indicates the requirements to which it will be subject. Subpart 1 of part D sets forth requirements applicable to nonattainment areas regardless of classification. Subpart 2 of part D establishes additional requirements for classified ozone nonattainment areas. The three counties for which Ohio seeks redesignation are not classified. (See 56 FR 56694, codified at 40 CFR 81.336). Therefore, in order to be redesignated, the State must meet the applicable requirements of subpart 1 of part D—specifically sections 172(c) and 176—for these areas.

1. Section 172 General Requirements

Section 172(c) sets forth general requirements applicable to all nonattainment areas. Under section 172(b), the section 172(c) requirements are applicable as determined by the Administrator, but no later than 3 years after an area has been designated as nonattainment. With the exception of the RACT requirement, the Administrator has not established a date earlier than November 15, 1993 for submittals for transitional areas. For RACT, USEPA provided in the General Preamble that States must correct all enforceability deficiencies in existing RACT rules prior to the redesignation of ozone nonattainment areas that are not classified. (See 57 FR 13498, 13525). For incomplete data areas, USEPA also established in the General Preamble an earlier due date, November 15, 1992, for the New Source Review (NSR) submittal. (See 57 FR 13527). Since the redesignation requests were submitted prior to November 15, 1992, the section 172 requirements with the exception of RACT are not applicable for purposes of redesignating the Columbiana, Jefferson and Preble county nonattainment areas. With respect to RACT, States must correct enforceability deficiencies of the existing RACT rules before transitional and incomplete data areas can be redesignated.[1] (See 57 FR 13525). Ohio's RACT rules at the time the redesignation requests were submitted contained enforceability deficiencies. The corrections to the RACT rule deficiencies, submitted by Ohio on August 24, 1990, have not yet been approved by USEPA. Therefore, the State does not have a fully approved SIP meeting the requirements of part D for these areas.

2. Section 176 Conformity Plan Provisions

Section 176 of the Act requires States to develop transportation/air quality conformity procedures which are consistent with federal conformity regulations and to submit these procedures as a SIP revision by November 15, 1992. USEPA has not promulgated final conformity regulations; however, the State has committed to develop conformity procedures consistent with the final federal regulations and will submit, if necessary, an appropriate SIP revision according to the schedule set forth in the regulations.

For ozone nonattainment areas, the amended Act specifies new and revised requirements applicable to ozone nonattainment areas. Although these requirements were not applicable for purposes of reviewing the current redesignation requests, they are applicable until these areas are redesignated to attainment areas.

Section 107(d)(3)(iii). USEPA Must Determine That the Improvement in Air Quality Is Due To Permanent and Enforceable Reductions in Emissions Resulting From Implementation of the Applicable Implementation Plan and Applicable Federal Air Pollutant Control Regulations and Other Permanent and Enforceable Reductions

To satisfy this requirement, the State must rely on permanent and enforceable emissions reductions that occurred during the time the State's air quality improved bringing it from nonattainment to attainment. For Jefferson and Columbiana Counties, the State submitted actual and allowable emissions data from specific source for the years 1975 and 1980. The State claimed that the VOC emission reductions from 1975 to 1980 were due to the implementation of RACT rules. However, while USEPA may agree that the rules did contribute emissions reductions, the RACT rules have enforceability deficiencies and, therefore, cannot be considered to be regulations which secure permanent and enforceable emission reductions. In addition, 1980 would not be acceptable as an attainment year since violations of the ozone standard were monitored during the period of 1977 through 1980 in Jefferson County and the 1981–1984 period in Stark County which is upwind of Columbiana County. The State would need to show emissions reductions in these areas which occurred after these violations.

In the redesignation request submittals, Ohio credited mobile source emissions reductions for contributing to the improved air quality in Jefferson and Preble Counties. Ohio cited the Federal Motor Vehicle Control Program (FMVCP) and the inspection and maintenance program in Cincinnati for Preble County and transportation control measures (TCMs) for Jefferson County. However, these emission reductions were not quantified. In addition, since the TCMs have not been included into the (SIP), the resulting

[1] Preble County was included in the November 8, 1989 SIP Call, requiring among other things (e.g. emissions inventories) that these areas correct enforceability deficiencies of the existing RACT rules.

emission reductions cannot be considered permanent and enforceable.

The foregoing discussion leads USEPA to conclude that the State has not adequately demonstrated that the improvement in air quality in Jefferson, Columbiana and Preble Counties was due to permanent and enforceable reductions in emissions.

Section 107(d)(3)(E)(iv). USEPA Must Fully Approve a Maintenance Plan for the Area as Meeting the Requirements of Section 175A

A maintenance plan consists of a maintenance demonstration, an attainment emissions inventory,[2] a contingency plan, a description of how the State plans to track the progress of the maintenance plan and a commitment from the State to maintain the air quality monitoring network. The State redesignation request submissions did not include maintenance plans for Jefferson, Columbiana and Preble Counties and, therefore, do not meet this requirement.

Proposed Rulemaking Action

As discussed above, USEPA proposes to disapprove the redesignation requests for Columbiana, Preble and Jefferson Counties because not all of the requirements for redesignation under section 107(d)(3)(E) of the Act have been satisfied.

USEPA solicits comment on this proposed rulemaking action. Comments received by January 19, 1994, will be considered in the development of USEPA's final rulemaking action.

This action has been classified as a Table 2 action under USEPA guidance establishing SIP processing procedures. (See 54 FR 2214 (January 19, 1989), as revised by memorandum, dated October 4, 1993, "Changes to State Implementation (SIP) Tables," from Michael H. Shapiro, Acting Assistant Administrator for Air and Radiation, to Regional Administrator, Regions I–X.) On January 6, 1989, the Office of Management and Budget (OMB) waived Table 2 and Table 3 SIP revisions (54 FR 2222) from the requirements of section 3 of Executive Order 12291 for a period of 2 years. USEPA has submitted a request for a permanent waiver for Table 2 and Table 3 SIP revisions. The OMB has agreed to continue the waiver until such time as it rules on USEPA's request. This request continues in effect under Executive Order 12866 which superseded Executive Order 12291 on September 30, 1993.

Under the Regulatory Flexibility Act, 5 U.S.C. 600 et seq., USEPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. (5 U.S.C. 603 and 604.) Alternatively, USEPA may certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

USEPA's denial of the State's redesignation request under section 107(d)(3)(E) does not affect any existing requirements applicable to small entities nor does it impose new requirements. The area retains its current designation status and will continue to be subject to existing statutory and regulatory requirements. To the extent that the State must adopt regulations for any area based on its nonattainment status, USEPA will review the effect of such regulations on small entities at the time of submittal. Therefore, I certify that denial of the redesignation request will not affect a substantial number of small entities

List of Subjects

40 CFR Part 52

Environmental protection, Air pollution control, Intergovernmental relations, Ozone.

40 CFR Part 81

Air pollution control.

Authority: 42 U.S.C. 7401–7671q.

Dated: November 23, 1993.

David A. Ullrich,

Acting Regional Administrator.

[FR Doc. 93–30971 Filed 12–17–93 8:45 am]

BILLING CODE 6560–50–P

[2] The State did not submit emission inventories for VOC and CO in response to USEPA's SIP Call (which included Preble County) issued on November 8, 1989, and clarified on December 18, 1989. For purposes of the maintenance plan, the State must submit final emission inventories for VOC, CO, and NO_x. The maintenance plan inventories will satisfy the inventory requirement of the SIP Call for Preble County.

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40 CFR Part 63

[AD–FRL–4816–4]

National Emission Standards for Hazardous Air Pollutants, Off Site Waste Operations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Advance notice of proposed rulemaking (ANPR).

SUMMARY: The EPA is developing a national emission standard for hazardous air pollutants (NESHAP) for the control of organic hazardous air pollutant (HAP) emissions from off site waste operations that are major sources under section 112 of the Clean Air Act (Act). The purpose of this advance notice is to inform affected industries and the general public of the planned scope of this rulemaking, and to solicit information that would aid in the development of the standard.

DATES: *Comments.* Comments concerning this ANPR must be received by the EPA on or before January 19, 1994.

ADDRESSES: *Comments.* Comments should be submitted (in duplicate if possible) to Air Docket section (LE–131), Attention, Docket A–92–16, U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460. Please also send a copy of the comments to Mr. Eric L. Crump at the address below.

FOR FURTHER INFORMATION CONTACT: Mr. Eric L. Crump, Office of Air Quality Planning and Standards, Chemicals and Petroleum Branch (MD–13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina, 27711, telephone (919) 541–5032.

SUPPLEMENTARY INFORMATION: The information presented in this notice is organized as follows:

I. Background
II. General Scope of Regulation
III. Facilities Not Addressed
IV. Interaction with other Regulatory Activities
V. Development of Standard
VI. Request for Comments

I. Background

The Act, as amended by the Clean Air Act Amendments of 1990 (1990 Amendments) (Pub. L. 101–549), establishes a list of 189 hazardous air pollutants, or HAP's (section 112(b)), and gives the Administrator authority to revise and update the list as necessary. The Act also requires the EPA to develop and publish a list of all categories and subcategories of major and area sources of HAP's (section 112(c)). A current list of these source categories is provided in the **Federal Register** notice entitled "Initial List of Categories of Sources Under Section 112(c)(1) of the Clean Air Act Amendments of 1990" (57 FR 31576, July 16, 1992), hereafter referred to as the "Source Category List." Furthermore, the Act calls for the development of standards to control HAP emissions from these source categories and subcategories over the ten year period starting in November 1990 (section 112(e)).

Paragraph 112(a)(1) of the Act defines a "major source" as any stationary source, or group of stationary sources (including all emission points and units located within a contiguous area and under common control) of air pollution that emits, or has the potential to emit, considering controls, 10 tons or more per year of any one HAP or 25 tons or more per year of any combination of HAP's. Off site waste operations (currently listed as solid waste treatment, storage, and disposal facilities on the Source Category List, but renamed for the purpose of clarity) comprise one of the major source categories established under section 112 of the Act.

The Act requires the EPA to establish maximum achievable control technology (MACT) for each major source category, and to promulgate emission standards based on the level of control that would be obtained through MACT (section 112(d)). To that end, the EPA intends to develop a NESHAP for off site waste operations.

II. General Scope of Regulation

Under this NESHAP, the Agency intends to regulate organic HAP emissions from facilities that handle wastes received from off site. The types of emission points to be regulated at these facilities include tanks, process vents, wastewater treatment, transfer operations, equipment leaks, and land disposal. For the purposes of this rulemaking, a waste is any material resulting from industrial, commercial, mining, agricultural operations, or from community activities that is discarded or is being accumulated, stored, or physically, chemically, thermally, or biologically treated prior to being discarded, recycled, or discharged (Exceptions are described in section III). A waste received from off site is a waste that originated from, or returned from outside the contiguous boundary of the receiving site.

III. Facilities Not Addressed

The preceding definition of scope that facilities would exempt facilities that manage on site wastes (i.e., wastes generated or produced within the contiguous boundary of the generator), and do not handle wastes from off site. This is not to say that such operations are unlikely to be major sources of HAP's. It is anticipated that emissions from these waste operations would be regulated under NESHAP developed to address specific source categories. For example, if a pesticide manufacturing plant generates wastes from its production processes, treats this waste on its own premises, and receives no waste from off site, these waste operations would not be regulated under the off site waste NESHAP. The HAP emissions from on site operations would be addressed in the development of the pesticide manufacturing NESHAP.

In addition to industries with on-site waste operations, publicly-owned treatment works, hazardous waste incineration units, sewage sludge incinerators, municipal landfills, boilers, industrial furnaces, and site remediation activities would also not be included in the scope of this rulemaking. Separate source categories have been established for each of these activities; therefore, the EPA will develop specific NESHAP to regulate the HAP emissions from sources in those categories. Similarly, municipal waste combustion units are not included in the scope of the off site waste NESHAP. Emissions from these facilities will be regulated under the authority of section 129 of the 1990 Amendments.

Finally, it should be noted that the EPA presently does not plan to regulate inorganic HAP emissions via the off site waste NESHAP. The main source of inorganic HAP emissions from waste operations is combustion sources, such as incinerator units and boilers. As stated above, HAP emissions from these combustion sources will be addressed under their respective source categories. Also, the EPA presently has little data to suggest that there are inorganic HAP emissions from sources that are subject to this NESHAP. Therefore, the scope of the off site waste NESHAP is currently limited to organic HAP emissions.

IV. Interaction With Other Regulatory Activities

The planned scope of the off site waste NESHAP includes some facilities that are subject to other existing and upcoming emission standards. Although these regulations do overlap in terms of the facilities and sources covered, the control methods and techniques for the regulations discussed herein are essentially identical. The essential differences between these standards is the criteria used to determine whether a facility is subject to a given rule.

In essence, if a given waste stream at a facility exceeds a level of pollutant concentration, vapor pressure, and/or flow, as specified by a given rule, the waste would have to be controlled for air emissions. The concentration, pressure, or level of flow which would trigger control requirements (herein referred to as an "action level") may differ for each rule, since each rule was developed with a somewhat differing objective (control of a specific pollutant or category of pollutants, or meeting certain risk target goals). The end result is that these rules do not conflict with each other, nor would they require redundant emission controls. More detail on the interaction between these various standards is provided in the following paragraphs.

A. Resource Conservation and Recovery Act (RCRA) 3004(n) Air Rules

The EPA has developed air pollution standards under the authority of section 3004(n) of the RCRA (as amended by the Hazardous and Solid Waste Amendments of 1984) that regulate organic air emissions from process vents and equipment leaks at hazardous waste treatment, storage, and disposal facilities, or TSDFs (55 FR 25454, June 21, 1990). Emission standards for tanks, containers, and surface impoundments subject to the RCRA are now being developed under the same congressional authority.

Hazardous waste TSDFs that are subject to the RCRA TSDF air regulations are included within the scope of the off site waste NESHAP. It is therefore possible that a hazardous waste TSDF that is required to comply with the RCRA requirements would also be regulated under the off site waste NESHAP.

The EPA believes it is beneficial and necessary to regulate these sources under both rules for the following reasons. First, the existence of the RCRA section 3004(n) air rules does not relieve the EPA of its obligation to establish MACT standards for these sources as required by the 1990 Amendments. At the very least, the EPA would need to demonstrate that the RCRA section 3004(n) rules equal or exceed the level of control that a MACT standard would require. Second, the off site waste NESHAP will also require control of HAP emissions from facilities not subject to the RCRA section 3004(n) air rules. It is feasible that a facility may be a major source of HAP emissions; yet, because it is not subject to the RCRA air rules, its air emissions would escape regulation.

The EPA expects that if a source subject to regulation under the RCRA air rules is also subject to the off site waste NESHAP, it would not need to expend significantly greater resources as a result of the NESHAP. It is possible that the action levels prescribed in the off site waste NESHAP may differ from the action levels in the RCRA section 3004(n) rules. However, it is expected that the emission controls required by both regulations will be the same. Therefore, if a facility complies with the regulation requiring control at the lower action level, it should achieve compliance with the other rule as well.

B. Other NESHAP

Existing and upcoming NESHAP, such as the benzene waste operations NESHAP (40 CFR part 61, subpart FF) and the proposed hazardous organic NESHAP (HON) for the synthetic organic chemical manufacturing industry (57 FR 62608, December 31, 1992), require the control of emissions from wastes (in the case of the HON, only control of emissions from wastewater and wastewater treatment residuals would be required). If a facility subject to either or both of these NESHAP generates waste that must be regulated in accordance with these NESHAP, and ships the waste off site, the responsibility for emission control remains with the facility generating the waste. In other words, a facility owner/operator subject to the HON (as proposed) and/or the benzene waste operations NESHAP is obligated to insure that any wastes sent off site are controlled for air emissions in accordance with the requirements of these NESHAP. Other upcoming NESHAP may have similar requirements for off site wastes.

Off site waste operations are likely to receive wastes from facilities regulated under other NESHAP, such as the HON and the benzene waste operations NESHAP. These wastes would also be subject to the requirements of the off site waste NESHAP. This situation of overlapping regulations is akin to the situation described above with the RCRA section 3004(n) rules. Once again, the EPA has reason to include these facilities in the scope of the off site waste NESHAP.

First, not all wastes subject to the off site waste NESHAP will be regulated under other NESHAP. For example the HON and the benzene waste operations NESHAP both require control of emissions from waste streams exceeding specific pollutant concentrations. Also the benzene waste operations NESHAP is only applicable to facilities exceeding a specific total annual benzene quantity, as defined in the rule. Furthermore, other NESHAP may not address the control of HAP emissions from waste operations. It is therefore possible that facilities subject to the other NESHAP may generate wastes for off site treatment that do not require control under the other NESHAP. These wastes would still contain organic HAP's, and would contribute to HAP emissions at the receiving facility. In this situation, the off site waste NESHAP would be the only means of regulating these emissions.

Second, as explained in the preceding section, regulating these sources under other NESHAP (such as the HON and the benzene waste operations NESHAP) and the off site waste NESHAP should not result in significant additional expenditures. The action levels for the NESHAP may differ, but the emission controls required for waste operations would likely be the same. Multiple reporting and recordkeeping will not be necessary, once the Title V permit program is implemented. Under this program, a facility would be issued one single permit that would reflect the requirements of all applicable regulations of the Act.

C. Industrial Wastewater Control Techniques Guideline Document

As required by section 183(a) of the Act, the EPA is developing a control techniques guideline, or CTG, for industrial wastewater operations. The objective of the CTG is to define reasonably available control technology, or RACT, for controlling volatile organic compound (VOC) emissions from industrial wastewater treatment in ozone non-attainment areas. The draft CTG addresses four industrial categories: Organic chemical, plastics, and synthetic fiber manufacturing; pharmaceutical manufacturing; pesticide manufacturing; and hazardous waste TSDFs. After the EPA publishes the industrial wastewater CTG, states are required to revise their State Implementation Plans to include the prescribed RACT requirements for these industrial categories. As a result, the industrial wastewater CTG will lead to regulation of VOC emissions from wastes that may also be regulated under the off site waste NESHAP.

As in the preceding discussions of interaction between the off site waste NESHAP and other requirements, significant additional expenditures resulting from the industrial wastewater CTG are not anticipated. The CTG may lead to state-implemented regulations that prescribe applicability criteria that differ from the off site waste NESHAP, but the emission controls required will be the same. Again, multiple reporting and recordkeeping will not be necessary, once the Title V permit program is implemented.

V. Development of Standard

Section 112(d)(3) of the Act states that emission standards for existing sources in a source category shall not be less stringent than "* * * the average limitation achieved by the best performing 12 percent of the existing sources (for which the [EPA] Administrator has emissions information) * * *." In developing the off site operations NESHAP, the EPA is using data gathered from two nationwide surveys conducted in 1987. The first survey, entitled the National Survey of Hazardous Waste Generators (GENSUR), is a compilation of waste types, quantities, compositions, and practices of hazardous waste generators. The second survey, entitled the National Survey of Hazardous Waste Treatment, Storage, Disposal, and Recycling Facilities (TSDR), is a compilation of waste types, quantities, and management practices of facilities that treat, store, dispose of, and recycle hazardous wastes. Information from these surveys, which represent the state of the hazardous waste industry in 1986, formed the basis of the RCRA 3004(n) TSDF rules for process vents and equipment leaks, and forms the basis of the upcoming RCRA TSDF rules for tanks, surface impoundments, and containers.

The EPA believes the bulk of organic HAP emissions in the source category are emitted from the facilities surveyed in the GENSUR and TSDR, and that the emissions result from management of the wastes noted in the surveys. It should be noted, however, that the GENSUR and the TSDR do not identify all wastes subject to the scope of the off site waste NESHAP. For example, some of these facilities may receive and treat off site non-hazardous wastes. Some of these non-hazardous wastes may contain HAP's that could be emitted into the atmosphere; however, the GENSUR and the TSDR surveys do not specify the types, quantities, compositions, and management practices used in the handling of these non-hazardous wastes.

Furthermore, the GENSUR and TSDR surveys provide no information on off site operations that are exempted or excluded from the RCRA hazardous waste permitting requirements. Some examples of such processes are: Used oil rerefining and fuel blending facilities, drum and tank cleaning and reconditioning, commercial solid waste landfills, sorbent regeneration, commercial wastewater treatment facilities, pulping liquor treatment, and certain recycling processes. At the present time, the EPA has limited information to estimate HAP emissions from these facilities. Nonetheless, such facilities do fall within the scope of the off site waste NESHAP, and these sources have similar emission points and manage wastes containing organic HAPs. Therefore, the EPA cannot eliminate these facilities from consideration as major sources without some basis for doing so.

VI. Request for Comments

In many ways the off site waste operations source category is unlike other source categories. While the facilities in some industrial categories manufacture similar types of products, use similar raw materials, or use similar production processes and methods, off site waste facilities vary widely, depending on the type of waste received, and the management processes used. Because of the lack of uniformity among sources in this source category, there are facilities that may not be represented by a specific trade group or organization (such as the National Solid Waste Management Association, or the Solid Waste Association of North America). As a result, establishing contact with all affected members of the source category is difficult.

The EPA invites affected facility owners and operators, trade organizations, state and local agencies, and other interested parties to comment on this notice. Information on waste types, quantities, HAP and volatile organic compound composition, and waste operations, as well as emission points and air emissions data, is requested. Information from facilities or operations within the scope of this rulemaking that are exempt from the RCRA hazardous waste requirements would be especially useful in the development of this rule. Comments on the applicability and planned scope of the off site operations NESHAP are also requested.

The EPA also requests more information on the impacts of this NESHAP on small businesses and small communities. The EPA wishes to understand the impact of this rule on small entities, and their capacity to be major sources of HAP's, as defined in the Act. Specific comments from small concerns regarding the anticipated impact of this rule on small businesses and communities will assist the EPA in assessing these impacts.

Finally, the EPA requests input from the public regarding the growth of the source category. Information on the increase/decrease in the number of facilities, changes in waste quantities received, as well as variations in waste types and waste composition would be of particular use in the development of this standard.

VII. Miscellaneous

A regulatory flexibility analysis under 5 U.S.C. 601, et seq., is not required for this notice. This notice would not impose any new regulatory requirements, nor would it impose any additional costs. This notice is also considered nonmajor under Executive Order 12291.

List of Subjects in 40 CFR Part 63

Environmental protection, Air pollution control, Recycling, Hazardous air pollutant, Hazardous waste, Major source, Maximum achievable control technology, National emission standards for hazardous air pollutants, Off site, Treatment, storage, and disposal facilities, Waste operations.

Dated: December 13, 1993.

Carol M. Browner,

Administrator.

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DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

Food Stamp Program: Vehicle Exclusion Limit Demonstrations

AGENCY: Food and Nutrition Service, USDA.

ACTION: Notice of Intent.

SUMMARY: This notice announces the intention of the United States Department of Agriculture (the Department), pursuant to section 1757 of the Mickey Leland Memorial Domestic Hunger Relief Act, and section 912 of the Food, Agriculture, Conservation and Trade Act Amendments of 1991, and in connection with section 13923 of the Omnibus Budget Reconciliation Act of 1993 to enter into agreements with selected State agencies to assist such agencies in the conduct of a demonstration project to test the effects of relaxing current restrictions on the treatment of licensed vehicles for Food Stamp Program (FSP) eligibility.

This demonstration project will operate under the authority of section 17(h) of the Food Stamp Act of 1977, as amended (the Act). The purpose of the project is to evaluate the effects, in both rural and urban areas, of including in financial resources under section 5(g) of the Act the fair market value of licensed vehicles to the extent the value of each vehicle exceeds the statutory base figure ($4,500 until August 31, 1994), but excluding the value of (1) any licensed vehicle that is used to produce earned income, necessary for transportation of an elderly or physically disabled household member, or used as the household's home; and (2) one licensed vehicle used to obtain, continue, or seek employment (including travel to and from work); used to pursue employment-related education or training; or used to secure food or the benefits of the food stamp program. The intent of this notice is to solicit proposals from State and/or local agencies wishing to conduct demonstrations during the project. This notice establishes the terms and conditions for the project and institutes uniform criteria for evaluating proposals and selecting project areas.

State/local agencies interested in participating in this project are invited to request a Demonstration Project Application Package, which contains detailed information and instructions on preparing and submitting demonstration proposals. Local agency proposals must be submitted through and approved by the State agency, which will be responsible for overall control of the demonstration(s) conducted within its boundaries and for coordination with the Department. Each proposal must contain signed agreements from the appropriate State officials authorizing the demonstration. The Department will not negotiate or enter into any agreements with agencies below the State level.

DATES: Requests for application packages must be received by February 18, 1994. Public comments concerning the terms and conditions of the project are welcome if received by January 19, 1994. Any changes made as a result of comments received shall be incorporated in the application package, which will be mailed to applicants no later than February 3, 1994. From the release date of the application packages applicants will have approximately one and one-half months in which to submit their completed demonstration project proposals. Applications must be received by C.O.B. March 21, 1994, to ensure consideration for award under this solicitation.

ADDRESSES: Interested agencies should submit a written request for an application package (and include four self-addressed labels) to the address listed below: USDA, Food and Nutrition Service, Program Development Division, PDB, Attn: Jane Duffield, 3101 Park Center Drive, room 718, Alexandria, Virginia 22302–1594.

FOR FURTHER INFORMATION CONTACT: Jeffrey N. Cohen, Supervisor, Demonstration Projects Section, room 718, Food and Nutrition Service, at the address listed above or telephone (703) 305–2517.

SUPPLEMENTARY INFORMATION:

Classification

Executive Order 12866

This notice is issued in conformance with Executive Order 12866.

Executive Order 12372

The Food Stamp Program is listed in the catalog of Federal Domestic Assistance under No. 10.551. For the reasons set forth in the final rule and related notice to 7 CFR part 3015, subpart V (48 FR 29115, June 24, 1983), this program is excluded from the scope of Executive Order No. 12372 which requires intergovernmental consultation with State and local officials.

Regulatory Flexibility Act

This notice has been reviewed with regard to the requirements of the Regulatory Flexibility Act of 1980 (5 U.S.C. 601–612). George A. Braley, Acting Administrator of the Food and Nutrition Service (FNS), has certified that the demonstration project described in this notice will not have a significant economic impact on a substantial number of small entities because the demonstrations will be conducted in limited areas. State and local welfare agencies will be affected to the extent that they administer the demonstration project. Those food stamp recipients participating in the demonstration project will be affected by this action in that the provisions of the Food Stamp Act affecting the eligibility criteria for receipt of benefits may be waived to the extent necessary to permit the implementation of the special eligibility criteria established for these demonstration projects.

Paperwork Reduction Act

This notice does not contain reporting or recordkeeping requirements subject to approval by the Office of Management and Budget under the Paperwork Reduction Act of 1980.

Background

Current food stamp regulations at 7 CFR 273.8 (e)(3) and (h) require that households owning a licensed vehicle with a fair market value (FMV) greater than $4,500 shall have the amount which exceeds $4,500 attributed in full toward the household's resource level, except when such vehicle is (a) an income producer, (b) a home, (c) essential to the employment of a household member (e.g., salesman or migrant worker), or (d) necessary to transport a physically disabled household member. Section 13923 of the Mickey Leland Childhood Hunger Relief Act part of the Omnibus Budget Reconciliation Act of 1993, Public Law 103–66, changes the FMV threshold from $4,500 to $4,550 beginning September 1, 1994, to $4,600 beginning October 1, 1995, and then the threshold is adjusted annually, using a base of $5,000 for calculation purposes beginning on October 1, 1996, to reflect changes in the Consumer Price Index for new cars.

Vehicles not exempted in their entirety under the provisions above are, with certain exceptions, further subject to an "equity" test to determine how much, if any, of the household's equity in such vehicles should be counted as a resource. Concern is escalating that many otherwise eligible households with low-incomes are being denied food stamp benefits because they own vehicles with too high a fair market value or equity value notwithstanding the fact that such vehicles are used for essential transportation between home, work, shopping and medical services. Unemployed households may also face a difficult decision between having a vehicle to look for work or selling the vehicle in order to qualify for food stamps. Congress has mandated these demonstration projects to enable a careful examination of the impact of liberalizing application of the resource test to vehicles.

Under the terms of the demonstration, the additional categories to be exempted are: (a) Any licensed vehicle that is necessary for transportation of an elderly household member; and (b) one licensed vehicle used to obtain, continue or seek employment (including travel to and from work); used to pursue employment-related education or training; or used to secure food or benefits of the Food Stamp Program (FSP). Vehicles used for income production, for transportation of a disabled household member, or used as the household's home are also to be excluded under the terms of Public Law 101–624. However, because these categories of vehicles are already excluded under existing FSP regulations, they are not included in this demonstration project.

The demonstration described in this notice offers the opportunity to test the effects of expanding the categories of licensed vehicles that will be exempted from consideration as a resource for applicant households. Potential effects that are of interest to the Department include:

1. How does changing the vehicle test affect eligibility for and participation in the Food Stamp Program?

2. What are the impacts on Food Stamp Program benefit costs?

3. What are the characteristics of participants made eligible by changing the vehicle test?

The Department will select an independent contractor to conduct an evaluation that addresses these and other research questions.

The Food Stamp Program Vehicle Exclusion Limit Demonstration (VELD) Project

Using authority to operate demonstration projects provided by section 17(h) of the Food Stamp Act of 1977, as amended, the Secretary will authorize such demonstration projects in up to five (5) project sites, for a period not to exceed two years. A county, city, welfare district, or any other political jurisdiction with clearly defined boundaries, or combinations of such entities, may be designated as a project site. In order to achieve demonstration results that typify the national scope of the Food Stamp Program, the Department will, in the proposal selection process, place special emphasis on choosing sites that are broadly representative of the Program, including urban, rural, and suburban areas and large and small areas. The Department is also interested in proposals which represent a variety of food stamp outreach activity levels. Finally, the potential cost of added benefits will also influence site selection.

To conduct the project, the Secretary is authorized to waive the vehicle exclusion requirements found in section 5(g)(2) of the Food Stamp Act (7 U.S.C. 2015(d)). This waiver will permit a participating project site, with the approval of the State agency, to operate the FSP as it normally would except for application of the VELD criteria in addition to the normal FSP vehicle exclusion criteria.

Corresponding requirements under the current food stamp regulations at 7 CFR 273.8(h) shall also be waived to the extent necessary to permit participating sites to apply an expanded exemption criteria (as required by section 17(h) of the Food Stamp Act of 1977, as amended) to licensed vehicles when determining a household's food stamp eligibility status. Current FSP regulations for handling licensed vehicles which are not modified or otherwise addressed by this notice, will continue to apply to participating project sites.

A. Basic Operational Requirements

For purposes of this demonstration project, participating sites shall observe the following steps in determining the treatment of licensed vehicles for food stamp eligibility purposes.

Step 1. Continue to determine Food Stamp Program eligibility in accordance with current eligibility criteria, except that, for purposes of this demonstration, the treatment of licensed vehicles shall be determined in accordance with the provisions outlined below.

Step 2. Evaluate each licensed vehicle under the criteria contained in 272.8(h)(1)(i)–(v) of existing program regulations, subject to the following two modifications. First, in addition to applying the criteria contained in 273.8(h)(1)(v) to the physically disabled, it shall also apply to an elderly household member. Second, the value of any one licensed vehicle shall be excluded where it is used by a household member(s) (or ineligible alien or disqualified person whose resources are being considered available to the household) to obtain, continue or seek employment (including travel to and from work), used to pursue employment-related education or training, or used to secure food or the benefits of the FSP.

Step 3. Evaluate any vehicle not excluded in its entirety under Step 2 above to determine if its Fair Market Value (FMV) exceeds $4,500 (or the applicable statutory threshold limit as determined by date of eligibility calculation). If yes, count the amount of its FMV in excess of $4500 as a household resource, as described in 273.8(h)(3).

Step 4. Evaluate vehicles to determine if they are equity exempt as described in 273.8(h)(4). Vehicles that are equity exempt include (a) vehicles excluded under Step 2 above, (b) one licensed vehicle per household, regardless of the use of the vehicle, or (c) vehicles used to transport household members (or ineligible aliens or disqualified household members whose resources are being considered available to the household) to and from employment, or to and from training or education preparatory to employment, or to seek employment in compliance with Employment and Training criteria.

Step 5. Evaluate vehicles not excluded in their entirety under Step 4 above to determine household's equity in such vehicles. Count such equity as a resource as set forth in 273.8(h)(4).

Step 6. Determine whether both a countable FMV and an equity value are assigned to a vehicle. If so, only the greater of the two amounts shall be counted as a resource as described in 273.8(h)(5).

B. Project Sponsors

To participate in the project, potential project sponsors must meet the following requirements:

1. Be a political subdivision or grouping thereof (i.e., a State or a unit of local government or a combination of local governments). A county, city, welfare district, any other political jurisdiction, subdivision thereof, or combination of such entities with clearly defined boundaries, may be designated as a project site.

2. Have the capability for effectively operating and administering a VELD under the terms and conditions established in this Notice, the Food Stamp Act, and regulations.

3. Designate a demonstration site with a minimum average monthly non-public assistance FSP caseload of 5,000 households in order to ensure a sufficient number of potential newly eligible households, and a maximum average monthly non-public assistance FSP caseload of 6,700 households. Sponsors with an average caseload greater than 6,700 may propose to operate the demonstration in a portion of the project area (such as an office) provided that the average monthly non-public assistance FSP caseload in the demonstration area does not exceed 6,700 households. Similarly, sponsors with an average caseload less than 5,000 may propose to operate the demonstration in an area defined by grouping smaller project areas together, provided that the average monthly non-public assistance FSP caseload in the demonstration area does not exceed 6,700 households.

The Department is currently conducting several demonstration projects involving the consolidation of the eligibility requirements of one or more assistance programs. Project areas currently involved in such studies are not eligible to participate in the VELD Project because we believe that such participation will affect the results of those studies, and/or, that the studies will affect the outcome of the VELD project.

FNS is also considering the selection of a site or sites with varying levels of outreach activity designed to inform potential newly eligible households of the demonstration provisions. This would allow FNS to assess the impact of outreach on the overall effects of the VELD provisions.

C. Responsibilities

The Department shall be responsible for:

1. Providing funding, as specified in Section D of this Notice.

2. Providing training and technical assistance, as necessary and as agreed to by the Department.

3. Monitoring project operations through normal program review activities, and special reviews and audits.

4. Securing an independent evaluator to evaluate the project using evaluation criteria identified under this Notice.

5. Approving requests from the evaluation contractor for data from the State.

6. Approving changes to this agreement.

The State and/or local agency shall be responsible for:

1. Establishing a procedure within the food stamp eligibility determination process for applying demonstration procedures outlined in this Notice;

2. Calculating eligibility using both current law and demonstration project rules regarding treatment of vehicles (in order to determine whether new participants were made eligible by the demonstration changes);

3. Training caseworkers and other staff concerning all aspects of the project and demonstration procedures.

4. Reporting quarterly to FNS as required under Section E of this Notice, including preparing and submitting to FNS a Quarterly Status Report.

5. Reporting quarterly to the evaluation contractor as required under Section E of this Notice.

6. Cooperating with all evaluation activities connected with the demonstration project under the sponsorship of the Department.

7. Maintaining an accessible database of newly-eligible participants for evaluation-related sampling purposes.

8. Notifying recipients of the termination of the project, if appropriate, in accordance with § 273.13 of current program rules.

9. Obtaining approval from FNS prior to the release of information related to the results of this project.

D. Funding

Subject to the availability of funds, the Department will make available approximately $500,000 of Fiscal Year (FY) 1994 funds to support the demonstration over the life of the project. These funds will help defray the costs of implementing the demonstration and meeting reporting requirements. Benefit/coupon costs will be paid under current program funding procedures. The Department is not obligated to award the entire amount of funds made available. The amount awarded under any one agreement shall be determined by the Department based on the scope and size of the sites proposed.

Specific procedures for reimbursement of eligible project-related costs will be detailed in the application kits.

E. Recordkeeping and Reporting

All records pertaining to the VELD Project shall be available to FNS representatives or their designees (including the evaluation contractor) for purposes of inspection and review. Such records shall be maintained for a period of three years from the date of project completion, or longer if requested in writing by FNS.

Special Project Reporting Requirements

FNS will require that reports be submitted for project activity as follows:

1. Separate program reports will not be required for demonstration project data. The State shall include project data for its demonstration sites in its regular program reports on food stamp issuance, participation, financial concerns and other program activities.

2. For purposes of evaluating the effects of changing the vehicle exclusion rules (as described in Section H of this Notice), States will be required to provide special reports to FNS and/or its designated representatives (including the evaluation contractor). Final reporting requirements will be provided as soon as evaluation plans are completed. Such requirements are expected to include:

—Total issuance of food stamps;
—Number of new participant households and their share of food stamp issuance;
—Length of participation;
—Work registration status;
—Household benefit;
—Household size;
—Age, sex, race;
—Income sources;
—Presence of an elderly member in the household;
—Presence of children in the household;
—Household composition (single- vs. two-parent, etc.);
—Monthly income;
—Total countable assets with and without vehicles;
—Value and type of vehicle(s) owned (and some identifier of whether the vehicle is counted under each set of rules);
—Certification dates

3. Participating States will be required to prepare and submit to FNS a Quarterly Status Report which shall include: (a) A summary of VELD project

activities, including evaluation activities, completed during the report period; (b) relevant participation and issuance data, (c) a summary of problems encountered and remedial action taken; (d) a summary of activities, including evaluation activities, scheduled for the following report period; (e) a summary of anticipated problems and possible solutions; (f) anticipated delays; and (g) changes in key personnel responsible for VELD, if any. This report shall be due not later than 15 days following the close of the reporting period.

4. Specific instructions for reporting project-related costs eligible for special project funding will be detailed in the application kits.

F. Site Selection Criteria

Criteria for Evaluating Demonstration Proposals

FNS will evaluate each proposal using a two-step process. First, the technical aspects will be evaluated by a technical review panel. The panel will evaluate the technical merit of each proposal according to the evaluation criteria listed below (with relative weights shown in parentheses). Panel members will evaluate each proposal independently and assign it a numerical score for each evaluation criterion. The Panel will average the scores assigned to each proposal and rank the proposals on their technical merit according to their mean scores. Based on this technical review, the Panel will recommend a competitive range for proposals. That is the range in which proposals have a reasonable chance of being selected for negotiation of an agreement under the terms of this Notice. FNS may conduct negotiations with applicants in the competitive range, and after negotiations, may ask for "best and final offers." FNS does, however, reserve the right to enter into an agreement with the applicant based on the original proposal and its evaluation. Therefore, proposals submitted in response to this notice should be on the most favorable terms from both technical and cost standpoints.

Second, FNS will consider the proposed administrative costs associated with each proposal in the competitive range. The cost will be reviewed independently from the technical evaluation.

FNS will give the technical merit of proposals primary consideration. However, cost (both administrative and benefit), geographic characteristics, and outreach activity levels may serve as tiebreakers when decisions must be made among proposals that are similar or equal in technical merit. Awards will be made in such situations to those applicants whose offers are most financially advantageous to FNS and whose proposals provide broad representation of the program, including urban, rural or suburban demographic characteristics, the size of the proposed area, and the level of proposed outreach activity (or lack thereof).

Technical Evaluation Criteria

The following criteria will be used in the evaluation of technical proposals submitted in response to this Notice. The numbers assigned indicate the maximum score available for each factor and its relative importance.

Criteria assigned	Weight
1. Understanding of the purpose and objectives of the demonstration, including how the proposed demonstration will address concerns associated with the current vehicle exclusion procedures	200
2. Proposed procedures for implementing expanded vehicle exclusion policies and complying with requirements of the demonstration, and its evaluation	350
3. Adequacy of project work plan, including dates, tasks/activities, reporting interface, etc	250
4. Plans for project management including staff responsibilities, monitoring, problem resolution, ongoing involvement of key management personnel, and an organizational chart for the project	100
5. Organizational and staff capabilities and resources committed to the project	100

G. Applications

Applications shall be submitted in an original and two copies the Deputy Administrator, Food Stamp Program, Food and Nutrition Service, USDA, room 710, Park Office Center Building, 3101 Park Center Drive, Alexandria, Virginia 22302. Applications must be signed by the representative of the State agency having the authority to commit the proposed political subdivision to the project.

Prospective project sponsors shall submit a demonstration proposal containing specific information regarding their planned project. Applicants should include in their proposals any additional information which they feel would enhance their prospects for approval. Complete instructions for preparing and submitting demonstration project proposals will be made available through the application packages described above. Applications will be submitted via completion of a Form AD-424, available in each application package. It is anticipated that, at a minimum, each demonstration proposal will be required to include the following:

1. A complete description of the site in which the demonstration project shall be carried out. This description shall include an estimate of the total number of households currently participating in the Food Stamp Program (by Public Assistance (PA) and Nonpublic Assistance (NPA) category) and any other information useful for understanding the nature of the jurisdiction in which the demonstration project would be conducted, including complete geographic information relevant to the demographic situation of the area proposed (unemployment rate, distance to shopping, welfare offices, industrial areas, urban/rural/suburban category, etc.). Participation/caseload data submitted with proposals should be for the most recent available month. States combining rural and urban areas into one proposed demonstration site should provide estimates of the proportion of the demonstration site PA and NPA caseloads living in rural areas.

2. A complete description of how the State agency will meet the basic requirements for project operations (as outlined in this notice), and the associated evaluation requirements.

3. Demonstration proposals must incorporate a detailed work plan for these projects, including a timetable for implementation, the length of operation, and project termination activities. The workplan must incorporate task statements, milestones, and methodology to be used in completing the tasks within prescribed timeframes.

4. A proposed budget for both project administrative costs and evaluation costs.

5. A description of the number and qualifications of key staff, including a project director, key project staff, support staff and management staff, which will be used in carrying out the project, plus the percentage of time to be allotted by the staff.

6. The State agency's methodology for cooperating with FNS' evaluator in accomplishing the evaluation goals of the project.

7. A plan for terminating the demonstration project procedures and returning to the use of existing food stamp eligibility criteria.

Any changes made as a result of comments received in response to this Notice of Intent will be reflected in the application packages. In the event of inconsistencies, information and instructions in the application packages shall take precedence over this Notice of Intent.

H. Monitoring and Evaluation

FNS shall monitor the operation of projects implemented under this notice. This monitoring activity does not, in any way, decrease the State agency's responsibility for oversight of the project operation. At a minimum, monitoring shall include assessment of the project sponsor's compliance with the provisions of this Notice of Intent, the governing agreement between the State and FNS, and any other applicable rules and procedural requirements.

A comprehensive evaluation of the effects of the demonstration will be carried out for FNS by an independent contractor. State and local welfare agency staff involved in the demonstration are required to work closely with and supply information to the evaluation contractor and cooperate fully in the evaluation. The evaluation shall be structured to assess the extent to which expansion of the vehicle exclusion criteria affects household eligibility and participation levels. To achieve that objective, it will be necessary for project sponsors to calculate eligibility both under the demonstration rules and under current program rules. Specific evaluation specifications will be finalized and a contract awarded prior to implementation of the project. At a minimum, the evaluation is expected to address the following questions:

1. How does changing the vehicle test affect eligibility for and participation in the Food Stamp Program and Food Stamp Program costs? For example, how many new applicants/participants would not be eligible for food stamps if the old vehicle test were still in place? What proportion of new eligibles participate? What is the impact on program costs (benefit and administrative)?

2. What types of households are made eligible by changing the vehicle test? This question will include the compilation of data and household characteristics such as the average benefit for households made eligible by these changes; the difference, if any, in the average benefit of these newly eligible households and other new applicants; length of stay on the program; and relevant demographic characteristics.

3. A profile of vehicle ownership among FSP participants. For example, how many and what kinds of vehicles do FSP participants own? What are the fair market and equity values of these vehicles? How does vehicle ownership differ for those eligible under the demonstration rules as opposed to those who were eligible under the current law?

4. Why are new applicants applying for benefits? Are they aware of the new vehicle eligibility rules? If so, how did they become aware of the change?

Scope of Project

This notice will result in the negotiation of agreements with participating State agencies for the design, development, implementation, and operation of the demonstration project. Such agreements shall be incorporated into each participating State's Food Stamp Plan of Operation. The Department envisions working closely with the participating State agencies in the development and oversight of the project. Participating State agencies must contribute funds, manpower, facilities, and/or other assets to the project.

After selecting the project participants, FNS will provide technical assistance to each project area through existing program staff and/or through an independent contractor. Project operators will have access to the technical assistance on an as-needed basis to obtain assistance in developing and implementing their demonstrations. The purpose of this technical assistance is to ensure the continuity, consistency, and reliability of evaluation information collected from all project participants.

Public Notification

Those sites selected to participate in this demonstration must make their proposals available to the general public in order to provide adequate notice of potential changes in Food Stamp Program procedures.

Dated: December 9, 1993.

Ellen Haas,

Assistant Secretary for Food and Consumer Services.

[FR Doc. 93-30899 Filed 12-17-93; 8:45 am]

BILLING CODE 3410-30-U

DEPARTMENT OF COMMERCE

International Trade Administration

Export Trade Certificate of Review

ACTION: Notice of issuance of an amended Export Trade Certificate of Review, Application No. 88-4A016.

SUMMARY: The Department of Commerce has issued an amended Export Trade Certificate of Review to Wood Machinery Manufacturers Association (WMMA) effective date 1993. This notice summarizes the conduct for which certification has been granted.

FOR FURTHER INFORMATION CONTACT: Friedrich R. Crupe, Acting Director, Office of Export Trading Company Affairs, International Trade Administration, 202-482-5131. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: Title III of the Export Trading Company Act of 1982 (15 U.S.C. 4001-21) authorizes the Secretary of Commerce to issue Export Trade Certificates of Review. The regulations implementing title III are found at 15 CFR part 325 (1991) (50 FR 1804, January 11, 1985).

The Office of Export Trading Company Affairs is issuing this notice pursuant to 15 CFR 325.6(b), which requires the Secretary of Commerce to publish a summary of a Certificate in the **Federal Register**. Under section 305(a) of the Act and 15 CFR 325.11(a), any person aggrieved by the Secretary's determination may, within 30 days of the date of this notice, bring an action in any appropriate district court of the United States to set aside the determination on the ground that the determination is erroneous.

Description of Certified Conduct

Export Trade

1. Products

Woodworking machines, woodworking systems, and accessories, principally but not exclusively classified in SIC #3553, including: Cutting machines (including boring, dwelling, carving, dovetailing, mortising, planing, routing, sawing, shaping, profiling, tenoning, chucking, turning, and veneering machines); Sanding machines (including edge, flat surface, irregular surface, and special-purpose sanding machines); gluing, laminating, and assembling machines (including assembly clamping, auxiliary gluing, edge gluing, surface gluing, pressing, and laminating machines); Finishing machines (including applicator, auxiliary finishing, and drying machines and ovens); Wood drying equipment (including dryers, kilns, and moisture measurement equipment); Auxiliary machines and equipment (including environmental and safety equipment, materials handling equipment, auxiliary attachments, tool maintenance equipment, and tooling); Special product and special purpose machines; Logging and sawmilling machines (including log handling and preparation machines, log conversion equipment, and other auxiliary equipment and attachments); and Wood residue utilization systems or equipment.

2. Services

Engineering, design, and related services related to Products and to turn-key contracts that substantially incorporate Products; servicing of Products; and training with respect to the use of Products.

3. Export Trade Facilitation Services (as They Relate to the Export of Products, Services and Technology Rights)

Consulting; international market research; marketing and trade promotion; trade show participation; insurance; legal assistance; transportation; trade documentation and freight forwarding; communication and processing of export orders; warehousing; foreign exchange; financing; and taking title to goods.

4. Technology Rights

Patents, trademarks, service marks, copyrights, trade secrets, and know-how.

Export Markets

The Export Markets include all parts of the world except the United States (the fifty states of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands).

Export Trade Activities and Methods of Operation

1. WMMA and/or one or more of its Members may:

a. Engage in joint bidding or other joint selling arrangements for Products, Services, and/or Technology Rights in Export Markets and allocate sales resulting from such arrangements;

b. Jointly establish export prices for sales of Products, Services, and/or Technology Rights by the Members in Export Markets, with each Member being free to deviate from such prices by whatever amount it sees fit;

c. Discuss and reach agreements relating to interface specifications and engineering requirements demanded by specific potential customers for Products for Export Markets;

d. Refuse to quote prices for, or to market or sell in, Export Markets with respect to Products, Services, and/or Technology Rights;

e. Provide or jointly negotiate for and purchase from Suppliers Export Trade Facilitation Services for Members;

f. Solicit non-member Suppliers to sell such Suppliers' Products, Services, and/or Technology Rights or offer such Suppliers' Export Trade Facilitation Services through the certified activities of WMMA and/or its Members;

g. Coordinate with respect to the installation and servicing of Products in Export Markets, including the establishment of joint warranty, service, and training centers in such markets;

h. License associated Technology Rights in conjunction with the sale of Products, but in all instances the terms of such licenses shall be determined solely by negotiations between the licensor Member and the export customer without coordination with WMMA or any other Member;

i. Engage in joint promotional activities, such as advertising and trade shows, aimed at developing existing or new Export Markets;

j. Bring together from time to time groups of Members to plan and discuss how to fulfill technical Product, Service, and/or Technology Rights requirements of specific export customers or Export Markets; and

k. Operate and establish jointly owned subsidiaries or other joint venture entities, owned exclusively by Members, to export Products to Export Markets, operate warranty, service, and training centers in Export Markets, and provide Export Trade Facilitation Services to Members.

2. WMMA and/or its Members may enter into agreements wherein WMMA and/or one or more Members agree to act in certain countries or markets as the Members' exclusive or non-exclusive Export Intermediary for Products, Services, and/or Technology Rights in that country or market. In such agreements, (i) WMMA or the Member(s) acting as an exclusive Export Intermediary may agree not to represent any other Supplier for sale in the relevant country or market, and (ii) Members may agree that they will export for sale in the relevant country or market only through WMMA to the Member(s) acting as exclusive Export Intermediary, and that they will not export independently to the relevant country or market, either directly or through any other Export Intermediary.

3. WMMA and/or its Members may exchange and discuss the following types of information:

a. Information that is already contained in a written publication generally available to the trade or public;

b. Information about sales and marketing efforts for Export Markets; activities and opportunities for sales of Products, Services, and/or Technology Rights in Export Markets; selling strategies for Export Markets; pricing in Export Markets; projected demands in Export Markets; customary terms of sale in particular Export Markets, and the prices for such Products; and customer specifications for Products in Export Markets;

c. Information about the export prices, quality, source, and delivery dates of Products available from Members for export, provided, however, that exchanges of information and discussions as to Product quantity, source, available capacity to produce Products, and delivery dates must be on a transaction-by-transaction basis only and shall relate solely to Products intended for or available for export;

d. Information about terms and conditions of contracts for sales in Export Markets to be considered and/or bid on by WMMA and its Members;

e. Information about joint bidding, selling, or servicing arrangements for Export Markets and allocation of sales resulting from such arrangements among the Members;

f. Information about expenses specific to exporting to and within Export Markets, including without limitation transportation, intermodal shipments, insurance, inland freight to port, port storage, commissions, export sales, documentation, financing, customs, duties, and taxes;

g. Information about U.S. and foreign legislation and regulations affecting sales in Export Markets; and

h. Information about WMMA's or its Members' export operations, including without limitation sales and distribution networks established by WMMA or its Members in Export Markets, and prior export sales by Members (including export price information).

4. WMMA may provide its Members or other Suppliers the benefit of any Export Trade Facilitation Services to facilitate the export of Products to Export Markets. This may be accomplished by WMMA itself, or by agreement with Members or other parties.

5. WMMA and/or its Members may meet to engage in the activities described in paragraphs one through four above.

6. WMMA and/or its Members may refuse to provide Export Trade Facilitation Services, or participation in other activities described in paragraphs one through five above, to non-members.

7. WMMA and/or its Members may forward to the appropriate individual Member requests for information received from a foreign government or its agent (including private pre-shipment inspection firms) concerning that Member's domestic or export

activities (including prices and/or costs), and if such individual Member elects to respond, it shall respond directly to the requesting foreign government or its agent with respect to such information.

Terms and Conditions of Certificate

1. Except as expressly authorized in paragraphs 3(a), 3(c), and 3(f), in engaging in Export Trade Activities and Methods of Operation, neither WMMA nor any Member shall intentionally disclose, directly or indirectly, to any other Member any information about its or any other Member's costs, production, inventories, domestic prices, domestic sales, capacity to produce Products for domestic sale, domestic orders, terms of domestic marketing or sale, or U.S. business plans, strategies, or methods.

2. Any agreements, discussions, or exchanges of information under this Certificate relating to quantities of Products available for Export Markets shall be in connection only with actual or potential bona fide export transactions and shall be on a transaction-by-transaction basis only.

3. Participation by a Member in any Export Trade Activity or Method of Operation under this Certificate shall be entirely voluntary as to that Member, subject to the honoring of contractual commitments. A Member may withdraw from coverage under this Certificate at any time by giving written notice to WMMA, a copy of which WMMA shall promptly transmit to the Secretary of Commerce and the Attorney General.

5. WMMA and its Members will comply with requests made by the Secretary of Commerce on behalf of the Secretary or the Attorney General for information or documents relevant to conduct under the Certificate. The Secretary of Commerce will request such information or documents when either the Attorney General or the Secretary of Commerce believes that the information or documents are required to determine that the Export Trade, Export Trade Activities, or Methods of Operation of a person protected by this Certificate of Review continue to comply with the standards of section 303(a) of the Act.

Definitions

1. "Export Intermediary" means a person who acts as a distributor, sales representative, sales or marketing agent, or broker, or who performs similar functions, including providing or arranging for the provision of Export Trade Facilitation Services.

2. "Supplier" means a person who produces, provides, or sells a Product, Service, Technology Right, and/or Export Trade Facilitation Services, whether a Member or non-Member.

Protection Provided by Certificate

This certificate protects WMMA, its Members, their subsidiaries, joint subsidiaries, and joint ventures referenced above, and their directors, officers, and employees acting on their behalf from private treble damage actions and government criminal and civil suits under U.S. federal and state antitrust laws for the export conduct specified in the Certificate and carried out during its effective period in compliance with its terms and conditions.

Members (Within the Meaning of § 325.2(1) of the Regulations)

3k Machinery Co., Inc., New Albany, IN;
Abrasive Engineering and Manufacturing, Olathe, KS;
A.G. Raymond & Company, Inc., Raleigh, NC;
Alexander Dodds Company, Grand Rapids, MI;
Black Bros. Company, Mendota, IL;
C.R. Onsrud, Troutman, NC;
Carter Products, Inc., Grand Rapids, MI;
Crouch Machinery, Inc., Pinehurst, NC;
CTD Machines, Inc., Los Angeles, CA;
Delta International Machinery Corporation, Pittsburgh, PA;
Diehl Machines, Wabash, IN;
Fletcher Machine Co., Lexington, NC;
Industrial Woodworking Machine Company, Garland, TX;
James L. Taylor Manufacturing Company, Poughkeepsie, NY;
Jenkins Division, Kohler General Corporation, Sheboygan Falls, WI;
Ken Hazledine Machine Company, Inc., Terre Haute, IN;
Kimwood Corporation, Cottage Grove, OR;
L.R.H. Enterprises, Inc., Van Nuys, CA;
Ligna Machinery, Inc., Burlington, NC;
Mattison Machine Works, Rockford, IL;
Medalist Automated Machinery, Oskosh, WI;
Mereen-Johnson Machine Company, Minneapolis, MN;
Mid-Oregon Industries, Bend, OR;
Midwest Automation, Inc., Minneapolis, MN;
Newman Machine Company, Inc., Greensboro, NC;
North American Products Corporation, Jasper, IN;
Northfield Foundry and Machine Company, Northfield, MN;
Oliver Machinery Company, Grand Rapids, MI;
Onsrud Cutter, Inc., Libertyville, IL;
Onsrud Machine Corporation, Wheeling, IL;
Porter-Cable Corporation, Jackson, TN;
Powermatic, McMinnville, TN;
Ritter Manufacturing, Inc., Antioch, CA;
Thermwood Corporation, Dale, IN;
Timesavers, Inc., Minneapolis, MN;
Tyler Machinery Company, Inc., Warsaw, IN;
Unique Machine & Tool Co., Tempe, AZ;
VETS, Inc., Fridley, MN;
The Wallace Company, Pasadena, CA;
Wisconsin Knife Works, Beloit, WI;
Yates-American Machine Co., Beloit, WI

Effective Period of Certificate

This Certificate continues in effect from the effective date indicated below until it is relinquished, modified, or revoked as provided in the Act and the Regulations.

Other Conduct

Nothing in this Certificate prohibits WMMA and its Members from engaging in conduct not specified in this Certificate, but such conduct is subject to the normal application of the antitrust laws.

Disclaimer

The issuance of this Certificate of Review to WMMA by the Secretary of Commerce with the concurrence of the Attorney General under the provisions of the Act does not constitute, explicitly or implicitly, an endorsement or opinion by the Secretary of Commerce or the Attorney General concerning either (a) the viability or quality of the business plans of WMMA or its Members or (b) the legality of such business plans under the laws of the United States (other than as provided in the Act) or under the laws of any foreign country.

The application of this Certificate to conduct in export trade where the United States Government is the buyer or where the United States Government bears more than half the cost of the transaction is subject to the limitations set forth in Section V(D) of the "Guidelines for the Issuance of Export Trade Certificates of Review (Second Edition)," 50 FR 1786 (January 11, 1985).

Effective Date of the Amended Certificate

In accordance with Section 304(2) of the Act, this amended certificate is effective from March 25, 1992, the date on which the application for the amended certificate was deemed submitted.

Dated: December 13, 1993.

Friedrich R. Crupe,

Acting Director, Office of Export Trading Company Affairs.

[FR Doc. 93-30984 Filed 12-17-93; 8:45 am]

BILLING CODE 3510-DR-P

Export Trade Certificate of Review

ACTION: Notice of application to amend certificate.

SUMMARY: The Office of Export Trading Company Affairs (OETCA), International Trade Administration, Department of Commerce, has received an application to amend an Export Trade Certificate of Review. This notice summarizes the proposed amendment and requests comments relevant to whether the Certificate should be issued.

FOR FURTHER INFORMATION CONTACT: Friedrich R. Crupe, Acting Director, Office of Export Trading Company Affairs, International Trade Administration, (202) 482-5131. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: Title III of the Export Trading Company Act of 1982 (15 U.S.C. 4001-21) authorizes the Secretary of Commerce to issue Export Trade Certificates of Review. A Certificate of Review protects the holder and the members identified in the Certificate from state and federal government antitrust actions and from private, treble damage antitrust actions for the export conduct specified in the Certificate and carried out in compliance with its terms and conditions. Section 302(b)(1) of the Act and 15 CFR 325.6(a) require the Secretary to publish a notice in the **Federal Register** identifying the applicant and summarizing its proposed export conduct.

Request for Public Comments

Interested parties may submit written comments relevant to the determination of whether an amended Certificate should be issued. An original and five (5) copies should be submitted no later than 20 days after the date of this notice to: Office of Export Trading Company Affairs, International Trade Administration, Department of Commerce, room 1800H, Washington, DC 20230. Information submitted by any person is exempt from disclosure under the Freedom of Information Act (5 U.S.C. 552). Comments should refer to this application as "Export Trade Certificate of Review, application number 90-3A006."

The Forging Industry Association's (FIA) original Certificate was issued on July 9, 1990 (55 FR 28801, July 13, 1990). Previous amendments to the Certificate were issued on April 30, 1991 (56 FR 21128, May 7, 1991) and on May 29, 1992 (57 FR 24022, June 5, 1992).

Summary of the Application

Applicant: Forging Industry Association, 25 Prospect Avenue West, suite 300, LTV Building, Cleveland, Ohio 44115.

Contact: Donald J. Farley, Staff Executive, Telephone: (216) 781-6260.

Application No.: 90-3A006.

Date Deemed Submitted: December 7, 1993.

Proposed Amendment: FIA seeks to amend its Certificate to:

1. Add the following five companies as "Members" within the meaning of § 325.2(1) of the Regulations (15 CFR 325.2(1)): Aluminum Precision Products, Inc., Santa Ana, California; BethForge, Inc., Bethlehem, Pennsylvania (controlling entity: Bethlehem Steel Corporation, Bethlehem, Pennsylvania); Ellwood Group, Inc., Ellwood City, Pennsylvania; MascoTech, Inc., Taylor, Michigan; and Meadville Forging Company, Meadville, Pennsylvania;

2. Delete the following sixteen companies as "Members" within the meaning of § 325.2(1) of the Regulations (15 CFR 325.2(1)): AeroForge Corporation, Muncie, Indiana; Cleveland Hardware & Forging Co. (including Fox Valley Forge Division and Green Bay Drop Forge Division) Cleveland, Ohio; Cornell Forge Company, Chicago, Illinois; Earle M. Jorgensen Co. (including Forge Division (now known as the Jorgensen Forge Corporation)) Seattle, Washington; Edgewater Steel Company, Oakmont, Pennsylvania; Ellwood City Forge Corporation, Ellwood City, Pennsylvania; Ellwood Texas Forge Company, Houston, Texas; Endicott Forging & Manufacturing Co., Endicott, New York; Ladish Co., Inc., Cudahy, Wisconsin; Molloy Manufacturing Company, Fraser, Michigan; Monroe Forgings, Rochester, New York; OVAKO AJAX, Inc., Wayne, Michigan; Park Ohio Industries, Inc., Cleveland, Ohio; Pittsburgh Forgings Company, Coraopolis, Pennsylvania; Storms Forge, Inc., Springfield, Massachusetts; and Viking Metallurgical Corporation, Verdi, Nevada;

3. Reflect that the American Welding & Manufacturing Division of Freedom Forge Corporation, Burnham, Pennsylvania no longer exists (Freedom Forge Corporation is a current Member.);

4. Reflect a change in the address of Eaton Corporation's Forge Division from Cleveland, Ohio to Marion, Ohio (Eaton Corporation is a current Member.); and

5. Reflect a change in the name of the current Member: Interstate Drop Forge Company, Milwaukee, Wisconsin to Interstate Forging Industries Inc.

Dated: December 14, 1993.

Friedrich R. Crupe,

Acting Director, Office of Export Trading Company Affairs.

[FR Doc. 93-30983 Filed 12-17-93; 8:45 am]

BILLING CODE 3510-DR-P

Patent and Trademark Office

[Docket No. 931222-3322]

Public Hearings and Request for Comments on Patent Protection for Software-Related Inventions

AGENCY: Patent and Trademark Office, Department of Commerce.

ACTION: Notice of hearings and request for public comments.

SUMMARY: The Patent and Trademark Office (PTO) is interested in obtaining public input on issues associated with the patenting of software-related inventions. Interested members of the public are invited to testify at public hearings and to present written comments on any of the topics outlined in the supplementary information section of this notice.

DATES: Public hearings will be held on January 26-27, 1994, at the San Jose Convention Center, 408 Almaden Avenue, San Jose, California, and on February 10-11, 1994, at the Crystal Forum in Arlington, Virginia. Those wishing to present oral testimony at any of the hearings must request an opportunity to do so no later than five days before the date of the hearing at which they wish to testify. Written comments on the topics presented in the supplementary information section of this notice should be received by the PTO on or before March 15, 1994.

ADDRESSES: Those interested in presenting written comments on the topics presented in the supplementary information, or any other related topics, should address their comments to the Commissioner of Patents and Trademarks, marked to the attention of Jeff Kushan. Comments submitted by mail should be sent to Commissioner of Patents and Trademarks, Box 4, Patent and Trademark Office, Washington, DC 20231. Comments may also be submitted by telefax at (703) 305-8885 and by electronic mail through the Internet to comments-software@uspto.

gov. Written comments should include the following information:
—Name and affiliation of the individual responding;
—An indication of whether comments offered represent views of the individual's organization or are the respondent's personal views; and
—If applicable, the nature of the respondent's organization, including the size, type of organization (e.g., business, trade group, university, non-profit organization) and principal areas of business or software development activity.

Parties offering testimony or written comments are asked to provide their comments in machine readable format in one of the following file formats: ASCII text, WordPerfect for DOS version 4.2 or 5.x, WordPerfect for Windows version 5.x, Word for Windows version 1.0 or 2.0, Word for DOS version 5.0, Word for Macintosh version 3.0, 4.0 or 5.x, or WordPerfect for Macintosh version 2.x.

Persons wishing to testify must notify Jeff Kushan no later than five (5) days before the date of the hearing at which they wish to testify. Mr. Kushan can be reached by mail sent to his attention addressed to the Commissioner of Patents and Trademarks, Box 4, Washington, DC 20231; by phone at (703) 305–9300; or by telefax at (703) 305–8885. No requests for presenting oral testimony will be accepted through electronic mail.

Written comments and transcripts of the hearings will be available for public inspection no later than March 30, 1994, in room 902 of Crystal Park Two, 2121 Crystal Drive, Arlington, Virginia. In addition, transcripts of the hearings and comments provided in machine readable format will be available after March 16, 1994, through anonymous file transfer protocol (ftp) via the Internet (address: comments.uspto.gov), and will be available for Wide Area Information Server (WAIS) searching after March 30, 1994.

FOR FURTHER INFORMATION CONTACT: Jeff Kushan by telephone at (703) 305–9300, by fax at (703) 305–8885, by electronic mail at kushan@uspto.gov, or by mail marked to his attention addressed to the Commissioner of Patents and Trademarks, Box 4, Washington, DC 20231.

SUPPLEMENTARY INFORMATION:

I. Background

Over the past decade, the computer software industry has evolved into a critical component of the U.S. economy. It is presently the fastest growing industry in the United States, with 1992 sales in the three core elements of the software industry—programming services, prepackaged software and computer integrated design—accounting for over $36.7 billion of our domestic gross product. The software industry also has created jobs at a remarkable rate; since 1987, employment in the software industry has risen at an annual rate of 6.6 percent and today, the industry employs about 4 percent of the American work force.

The dynamic nature of the U.S. software industry has also served to propel the U.S. firms into a dominant position in the global software industry. U.S. firms hold about 75 percent of the global market for prepackaged software and approximately 60 percent of the world market for software and related services. In 1991, foreign sales of U.S. prepackaged software vendors totaled over $19.7 billion.

Constant innovation has been the key to continued success in the U.S. software industry. As such, it is imperative that our domestic intellectual property systems not only provide an effective stimulus for innovation, but also provide appropriate and effective means for protecting those innovations. Indeed, the continued success of U.S. firms, in both domestic and foreign markets, depends directly on the availability of effective mechanisms to protect software innovations. Without such means, the full value of American innovation cannot be realized.

Intellectual property systems provide the means through which software innovations can be both encouraged and protected. The present framework of intellectual property laws provides three basic forms of legal protection that are most relevant to the development and protection of software; namely, copyrights, patents and trade secret protection. Detailed reviews of each of these forms of protection can be found in the 1992 Office of Technology Assessment report entitled "Finding a Balance: Computer Software, Intellectual Property and the Challenge of Technological Change" (OTA–TCT–527), and in the final report of the Advisory Commission on Patent Law Reform to the Secretary of Commerce (1992). A brief synopsis of these three forms of protection follows.

Software code is protected under copyright law as an original work of authorship. Copyright protection stems automatically from the act of fixation of a work onto a tangible medium. A copyright gives its owner the ability to control the reproduction, adaptation, public distribution, public display and public performance of the software code. Copyrights can be used to prevent others from copying the software program, either through direct duplication or through appropriation of the software's expressive (as opposed to functional) elements. Under U.S. law, copyright owners can also prevent the unauthorized rental of software. Copyright protection cannot be used to prevent the use by others of the functional aspects of software, nor can it be used as a basis for action against independently developed software. In addition, the fair use doctrine under copyright law provides third parties some flexibility in their use of copyrighted works.

Patents can be used to protect processes implemented using software, as well as computer-based systems. The statutory definition of inventions that are eligible to receive patent protection is found in section 101 of title 35, United States Code. This section makes patents available for "any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof." To obtain patent protection, the inventor must apply for protection and proceed through an examination process before the Patent and Trademark Office (PTO). The examination process is used to assess whether the invention for which protection is sought meets all of the statutory criteria for patentability; namely, that the invention is eligible for protection, that it is new, that it is not obvious to a person familiar with the technical field of the invention, and that the invention has been adequately described in the patent application. Patent protection allows the patent holder to preclude others from making, using or selling the patented invention, as it has been defined in the patent claims, for a period of seventeen years measured from the date the patent is granted. Importantly, the party granted a patent must take action to enforce rights provided under the patent—the issuance of a patent does not automatically preclude infringing activity. In addition, the Federal courts have developed a limited exception to liability for infringement for non-commercial experimental use of inventions described in patents. Additional information on the patent process is available in the Manual of Patent Examining Procedure (MPEP), in particular, chapters 600, 700 and 2100.

Finally, certain aspects of software can be protected through use of trade secrecy and contractual licensing agreements. Protection of trade secrets in the United States is governed by state, rather than Federal, law. Trade secret laws typically require the party asserting a trade secret right to take reasonable steps to prevent the public disclosure of the information held as a trade secret. Accidental or other public disclosure of a trade secret will eliminate the protection. Absent such disclosure, the trade secret rights will remain effectively indefinitely. Trade secret rights can be enforced against parties that unlawfully obtain the information held as a trade secret.

The focus of the discussions in the three scheduled public hearings will be the use of the patent system to protect software-related inventions. There will be three general subject matter areas presented for discussion:

—Use of the patent system to protect software-related inventions;
—Standards and practices used in examination of patent applications for software-related inventions; and
—Significance of and protection for visual aspects of software-related inventions.

Questions appearing in section II, below, are intended to focus the discussion on each of the topics. They are not intended to discourage individuals from providing written comments on issues they believe should be addressed that are related to the protection of software-related inventions. Written comments on matters not presented below for discussion can be forwarded to the Commissioner of Patents and Trademarks for inclusion in the records of these hearings, but should clearly indicate that the comments are general in nature and not directed at the issues presented for discussion.

II. Topics for Discussion

Topic A. Use of the Patent System to Protect Software-Related Inventions

Dates and Times for Hearings on Topic A

January 26, 1994; 9 a.m. to 12 p.m., 2 p.m. to 5 p.m.

January 27, 1994; 9 a.m. to 12 p.m., 2 p.m. to 5 p.m.

Location for Hearing

San Jose Convention Center, 408 Almaden Avenue, San Jose, California.

The question of patent protection for software-related inventions has engendered a significant amount of public debate. For example, concern has been expressed over the appropriate scope of eligible subject matter (e.g., which aspects of software-related inventions should be eligible for patent protection, and which should not). Others have expressed concerns over the effects of providing protection for inventions in which the main distinguishing characteristic is a software component.

Some guidance on the question of patent eligibility has been provided by the Federal courts. First, the Supreme Court has instructed the lower courts to interpret the eligibility standards for patent protection broadly. In *Diamond* v. *Chakrabarty,* 447 U.S. 303, 309 (1980), the Court stated:

> The committee Reports accompanying the 1952 Act inform us that Congress intended statutory subject matter to "include anything under the sun that is made by man." The subject matter provisions of the patent law have been cast in broad terms to fulfill the constitutional and statutory goal of promoting "the progress of science and the useful arts". Congress employed broad language in drafting section 101 precisely because such inventions are often unforeseeable.

Second, the Supreme Court has held that the mere presence of a computer software-implemented mathematical algorithm in an invention does not automatically preclude the invention from being eligible to receive patent protection. *Diamond* v. *Diehr,* 450 U.S. 175 (1981). Finally, through interpretation of the exclusions from patentable subject matter under section 101 of title 35, United States Code, the Supreme Court and the lower Federal courts have provided guidance in determining which aspects of software-related inventions are eligible for patent protection.

There are three general categories of exclusions to patent eligibility that are particularly relevant to software-related inventions. The first, and most commonly applied exclusion, is the exclusion of mathematical algorithms, per se, from patent eligibility. For a summary of the law governing this exclusion, and for guidance on how the PTO applies this exclusion in the context of its examination procedures, see"Patentable Subject Matter, Mathematical Algorithms and Computer Programs", 1066 O.G. 5, (Sept. 5, 1989) and "Note Interpreting In re Iwahashi," 1112 O.G. 16 (March 13, 1990). Second, methods of doing business are excluded from patent protection. While no cases have directly applied this exclusion to deny patent protection for software-related inventions, the exclusion is relevant for questioning the patent eligibility of processes that are modeled upon existing business processes but are implemented through a software-based system. See, e.g., *Paine, Webber, Jackson & Curtis* v. *Merrill Lynch, Pierce, Fenner & Smith,* 564 F. Supp. 1358, 218 U.S.P.Q. 212 (D. Del. 1983). Finally, printed matter, per se, is not eligible for protection under the patent laws. This exclusion has relevance in the context of software code "written" onto non-paper media (e.g., magnetic or optical media capable of storing the software code). See, e.g., *In re Miller,* 164 U.S.P.Q. 439 (C.C.P.A. 1969); *In re Jones,* 153 U.S.P.Q. 77 (C.C.P.A. 1967).

Within these limits, however, is a spectrum of inventions whose patent eligibility has been questioned. To encourage discussion of what aspects of software-related inventions should or should not be eligible for patent protection, interested members of the public are invited to offer their views on the following series of questions.

1. What aspects of the following examples of software-related inventions should or should not be protectable through the patent system?

(Note—these are generalized hypothetical examples of patent claims. They are not intended to prompt comments as to the merits of the process referred to in the claim (e.g., whether the process is well known or obvious to a computer programmer). Instead, comments are desired as to the benefits or drawbacks of granting patents on the invention defined by the claim, presuming it was new and not obvious to a computer programmer.)

Example A: a mathematical algorithm implemented on a general purpose computer:

A computer comprising means for causing the computer to generate a signal that varies according to application of mathematical algorithm X to a given numerical input value.

Example B: a mathematical algorithm implemented on a special purpose computer:

A computer comprising:

—Means for collecting data;
—Means for extracting usable data from the collected data;
—Means for processing the usable data through application of mathematical algorithm $X=A^2+B^2$, where A and B are derived from the extracted usable data;
—A read-only memory used to calculate the squares of numbers provided to it;
—Means for providing to said read only memory numerical values derived from the extracted usable data;
—Means for storing in said read only memory numerical values derived from the extracted usable data;
—Means for obtaining from said only memory the squares of numbers provided to said read only memory; and
—Means responsive to the output of said read only memory.

Examples C–1 and C–2: A computer-readable medium, such as a disk, on which is stored a computer program.

(Note.—These examples include references to a computer readable medium as a "tangible" or "physical" embodiment of a software-related invention. The two perspectives presented in the examples differ in how the invention is defined. The first example defines the invention through reference to the actual software object or source code. The second example defines the invention through a narrative description of how the program functions.)

C–1. A computer-readable medium, on which is stored a computer program of instructions comprising (software object or source code).

C–2. A computer-readable medium, on which is stored a computer program of instructions comprising:

—Means for performing function X;
—Means for performing function Y; and
—Means for performing function Z.

Example D–1 and D–2: A computer program, per se.

(Note.—These examples focus on the computer program, per se, as the invention, without inclusion of a "tangible" or "physical" embodiment. Like examples C–1 and C–2, two perspectives are presented as to how the invention is defined. The first example defines the invention through reference to the actual software object or source code. The second example defines the invention through a narrative description of how the program functions.)

D–1. A computer program of instructions comprising (software object or source code).

D–2. A computer program of instructions comprising:

—Means for performing function X;
—Means for performing function Y; and
—Means for performing function Z.

Example E: A data structure used in a computer program

A hierarchical tree data structure having elements and possessing properties and operations.

Example F; A process consisting of a series of computational or decisional steps that can only practicably be performed on a computer:

A method of diagnosing an abnormal condition in an individual comprising:

—Collecting data related to the condition of the individual;
—Processing the data collected to place it in a structured, consistent format;
—Comparing the processed data to a first database of information documenting characteristics of normal and abnormal conditions in patients to determine if an abnormal condition exists;
—Upon detecting an abnormal condition, comparing the processed data to a second database of information documenting characteristics of the abnormality to determine the precise nature of the abnormality;
—Upon determining the precise nature of the abnormality, comparing the characteristics of the abnormality to a third database of information documenting suggested treatment and therapeutic regimes; and
—Collecting and presenting the information from said third database relevant to the determined abnormality.

Example G: A method of doing business that has been implemented in a computer program (e.g., an accounting system implemented in software).

A computer-implemented process comprising the steps of;

—Accessing information regarding the name of a patient and services provided to that patient from an electronic storage medium;
—Associating treatment rendered to a patient with a fee by comparing the collected data to a database of fees;
—Extracting billing data for said patient from said database;
—Printing an invoice documenting the fees charged and the appropriate mailing information for said patient.

2. What impact, positive or negative, have you or your organization experienced from patents issued on software-related inventions?

(Note.—If providing comments on this question, please provide details regarding the nature of the impact (e.g., the nature of any action taken by or against you or your organization under a patent, the results of the action, and the impact of those results on your activities or operations).)

3. What implications, positive or negative, can you foresee in maintaining or altering the standards for patent eligibility for software-related inventions (e.g., consider possible effects, if any, on doing business or protecting software products in domestic or foreign markets, conducting research, designing software or modifications thereto, etc.)?

4. Does the present framework of patent, copyright and trade secret law:

(a) Effectively promote innovation in the field of software?

(b) Provide the appropriate level of protection for software-related inventions?

(Note.—If responding to this question, please describe the experiences, if any, that you have had with the current system that led you to your conclusions.)

5. Do you believe a new form of protection for computer programs is needed? If so, what would be the desirable characteristics of such protection (e.g., what would be the substantive requirements for obtaining protection, what procedures would be used to obtain or register rights, what rights would be provided and how would those rights be enforced, and how would the new system relate to existing forms of intellectual property protection)? What would be the drawbacks of a new form of protection?

Topic B. Standards and Practices Used in Examination of Patent Applications for Software-Related Inventions

Dates and Times for Hearings on Topic B

February 10, 1994; 9 a.m. to 12 p.m., 2 p.m. to 5 p.m.

February 11, 1994; 9 a.m. to 12 p.m.

Location for Hearing

Marriott Crystal Forum, 1999 Jefferson Davis Highway, Arlington, Virginia.

Different sectors of the software industry have expressed concern over the ability of the Patent and Trademark Office to examine patent applications for software-related inventions effectively. Much of the discussion involves the lack of availability of printed documents, patents, and other evidence of public use of the invention before the application was filed (e.g., called "prior art") that can be used by examiners as a basis for denying the grant of a patent. Factors that have been identified as contributing to this problem include:

—Early programming techniques were not well documented or publicly available;
—Many software programming techniques were kept as trade secrets and not publicly disclosed;
—Locating and obtaining the most relevant prior art is extremely difficult, due to the widely diverse nature of processes that have been implemented by computer software-related systems; and
—Software is not documented in a consistent, readily understandable format (e.g., some programs only provide object code, different programming languages are used, source code is not summarized or documented, etc.).

Concerns other than access to and use of prior art have also been cited. For example, some concern has been expressed that the standards used by examiners to assess novelty and/or obviousness over prior art are not reflective of industry standards, with the effect that patents are granted for well-known or obvious software techniques. Others have questioned the closed nature of the examination process, with no public intervention prior to grant, while some have criticized the current options for contesting the validity of granted patents (e.g., the PTO reexamination process or litigation in the Federal courts).

In view of this, the PTO is interested in public input on how to improve the examination process for patent applications for software-related inventions. Interested members of the public are invited to offer comments on the following series of questions:

1. Do patents and printed publications provide examiners with a sufficient and representative collection of prior art to assess novelty and obviousness of software-related inventions? If not, how can existing collections of prior art be supplemented to provide examiners with a complete collection of prior art?

2. Can an accurate measurement of the ordinary level of skill in the art in the field of computer programming be derived from printed publications and issued patents?

3. Should the PTO impose a special duty on patent applicants for software-related inventions to disclose information relevant to their inventions (e.g., one that is higher than in other areas of technology)?

(Note.—Under current Rule 56 (37 CFR 1.56), all patent applicants are required to disclose to the PTO any information of which they are aware that is pertinent to the invention they claim in their patent applicant. The standard does not require the patent applicant to search or locate relevant information and present it to the Office for consideration. Failure of an applicant to comply with this requirement can result in the patent being held unenforceable.)

4. Do the standards governing novelty (35 U.S.C. 102) and obviousness (35 U.S.C. 103), as applied by the PTO and the Federal courts, accurately reflect inventive activity in the field of software design and development?

(Note—If responding "no" to this question, please provide your suggestions on standards that could be used to demonstrate which software innovations should be viewed as "new" and "non-obvious" to a person of ordinary skill in the field of software design and development.)

5. Should implementing a known process, technique, system or method of doing business on a computer be viewed as being novel and non-obvious if, but for the use of software, the overall process, technique, system or method is well known?

6. In what ways can the PTO change examination procedures to assess novelty and obviousness of software-related inventions?

(Note—The following questions are not intended to restrict comments on ways the PTO can improve the examination process, but are offered only as a sample of possible changes to the examination process.)

—Should the PTO require patent applicants for inventions related to software to conduct a search of prior art before filing a patent application, and to include in their application copies of relevant prior art documents along with a detailed explanation that points out how the invention claimed in the application is distinguishable over the supplied references?

(Note—This would make the "special accelerated examination" practice described in MPEP § 708.02 VIII standard practice for patent applications on software-related inventions.)

—Given the difficulties associated with examiners assessing procedures from all fields of technology that have been implemented on a software-based system, should the PTO require patent applicants to prove that their inventions are distinct over the prior art aside from the implementation of the process on a computer?

—Should the PTO be permitted to establish that a software-related invention is not novel or is obvious using a lower standard of proof than for other areas of technology (e.g., a standard less than prima facie)?

A second topic related to patent examination standards and practices relates to the problem of effectively and meaningfully disclosing software-related inventions in patents and other printed publications. To fulfill their statutorily defined function, patent documents must effectively teach a person of ordinary skill in the relevant field of technology how to make and use the invention that is protected by the patent. With respect to patents on software-related inventions, this means that the patent must disclose enough information to enable the software programmer of ordinary skill to recreate the invention protected by the patent claims. In practice, several concerns have been identified. For example, some have questioned the "disclosure" value of computer program listings that are often included with patent specifications, given the significant administrative problems these listings create for the PTO and the widely divergent manner in which software is written. Others have questioned how best to describe software-related inventions in general, standardized terms (e.g., not through program code listings). In view of these points, the PTO invites public input on the following series of questions regarding disclosure requirements for software-related inventions.

7. What are the most effective ways to describe software (e.g., pseudocode, flowcharts, etc.), and how can they be implemented through the disclosure requirements for patent applications?

8. What difficulties do patent applicants face in complying with existing disclosure requirements (e.g., enablement, description, best mode) for software-related inventions?

9. Should the PTO require patent applicants to conform to a standardized disclosure format for applications filed on software-related inventions?

10. How should the PTO handle the submission of computer program code listings? Should the PTO require submission of program code listings? Should they require submission of code listings in machine readable format only? Should program code listings be included in patent documents or should they be made available only through a publicly accessible database? What hardships would patent applicants face if these requirements were imposed?

11. Are current rules governing the submission of drawings impeding the effective description of software-related inventions, and if so, what changes should be made?

(Note:—Rule 96 (37 CFR 1.96) governs the submission of computer program listings).

12. What difficulties might patent applicants face if they were required to fully satisfy the disclosure requirements of 35 U.S.C. 112, 1st paragraph (i.e., enablement, description, best mode), without reliance on computer program listings?

Topic C: Significance of and Protection for Visual Aspects of Software-Related Inventions

Date of Hearing for Topic C

February 11, 1994; 2 p.m. to 5 p.m.

Location for Hearing

Marriott Crystal Forum, 1999 Jefferson Davis Highway, Arlington, Virginia

This topic addresses the question of design patent protection for computer screen elements (e.g., icons and other user interface elements), and the significance of screen elements in the context of patentability (utility) of software-related inventions.

Protection of the visual elements of software, particularly computer screen displays and images, is very important to the software industry. Recently, questions have arisen whether design patents can be used to provide protection for such elements. As way of background, a design patent provides protection for only the appearance of an article, not for its structural or utilitarian (functional) features. See, 35 U.S.C. 171. This is in contrast to a "utility" patent that provides protection for new, useful and non-obvious products, processes, machines, and compositions of matter. In the context of software, some have argued that design patents could provide much needed protection for the visual elements of screen displays that give programs their distinctive "look and feel."

The question of design patent protection for computer screen displays or images has been raised in a series of recent cases before the Board of Patent Appeals and Interferences (Board). See, *Ex parte Tayama*, 24 U.S.P.Q.2d 1614 (Bd. PA&I. 1992); *Ex parte Donaldson*, 26 U.S.P.Q.2d 1250 (Bd. PA&I. 1992); *Ex parte Strijland*, 26 U.S.P.Q.2d 1259 (Bd. PA&I. 1992); *Ex parte Donoghue*, 26 U.S.P.Q.2d 1266 (Bd. PA&I. 1992); and *Ex parte Donoghue*, 26 U.S.P.Q.2d 1271 (Bd. PA&I. 1992). The Board held in each of these cases that screen displays, standing alone, are not statutory subject matter. The Board concluded that, as claimed and described, the designs were merely pictures, and that "a picture standing alone is not protectable by a design patent." The Board's conclusions are consistent with judicial precedent that treats pictures standing alone as not being statutory design subject matter. This precedent points out that the factor that distinguishes subject matter eligible for design patent protection from a mere picture or surface ornamentation per se (i.e., abstract designs) is "the embodiment of the design in an article of manufacture."

Note that, in dicta, four of the *Strijland* panel members indicated they would have concluded that statutory subject matter was present if certain threshold requirements were met. These are: (1) The specification as originally filed described and claimed the icon as a design for a programmed computer system; (2) the specification included drawings depicting the icon displayed on the monitor of a programmed computer system and (3) the specification explained how the icon was an "integral and active component in the operation of a programmed computer displaying the design."

The Board decisions leave open the question of the threshold requirements for the protection of screen displays. To assist the Office in evaluating how to proceed in light of these decisions, public comments are invited on the following series of questions:

1. Should design patent protection be available for screen displays and other visual elements of computer software (e.g., should the PTO adopt the suggestion of the Board in the *Strijland* opinion that, if properly presented, screen displays can be statutory subject matter under 35 U.S.C. 171)?

2. If your answer to 1 is "yes" then:

(a) Should the Office adopt the threshold requirements for statutory subject matter set forth *Strijland?* What alternatives to those requirements would be consistent with current statutes, regulations and case law?

(b) Would adoption of the *Strijland* threshold requirements require more detailed design application specifications in order to meet the description, enablement and best mode requirements of 35 U.S.C. 112, paragraph 1?

(c) Would adoption of the *Strijland* threshold requirements affect the patentability of design applications claiming type fonts designs? Are type fonts distinguishable from screen displays for the purposes of 35 U.S.C. 171?

(d) What is the article of manufacture that can be considered ornamented by icons, screen displays, menus, dialog boxes, etc., and how can these articles be illustrated to comply with 37 CFR 1.152?

3. What protection would design patents for screen displays provide that is not already provided by copyright and trademark law?

4. Have you or your organization encountered situations where copyrights or trademarks have failed to provide adequate protection for visual elements of software that could have been addressed through use of design patent protection?

5. Are images displayed on a television screen legally distinguishable from the same image displayed on a computer monitor?

6. Does a description in a specification indicating how a displayed image is an "integral and active component in the operation of a programmed computer displaying the design" provide a workable line between statutory and non-statutory design subject matter?

A second facet of the discussion of visual elements of software is the significance of those elements in evaluating whether a software-related invention is deserving of utility patent protection. Specifically, how should visual elements of a software-related invention be evaluated, in the context of the invention as a whole, during examination and for judicial assessments of validity? The focus of this question is not whether the software-related invention should be eligible for protection under the utility patent law (for discussion of this question, see topic A, above). Rather, it is focused on the significance of visual elements of software in determining whether a patentable improvement has been made to a previously known process or article of manufacture. To assist this discussion, consider each of the following questions in the context of two machines, each having multiple hardware components and one software component that guides the operation of the machine. The only difference between the two machines is that the "new" machine employs different visual display elements in its software component.

7. Should the "new" machine be considered "novel" in view of the different visual elements used in the software component?

8. If viewed as making the machine as a whole "novel", should the visual display elements of the "new" machine justify a conclusion that the product as a whole could be non-obvious to a person of ordinary skill?

9. If you answered yes to questions 1 or 2,

(a) Which field of technology should be used to determine the ordinary level of skill for assessing the question of obviousness (e.g., software programming, software interface design, field of technology for the machine, other)?

(b) How should the visual display elements be evaluated (e.g., ease of use, functions they provide etc.)?

(c) What aspects of the visual display should be compared and/or considered?

III. Guidelines for Oral Testimony

Individuals wishing to testify must adhere to the following guidelines:

1. Anyone wishing to testify at the hearings must request an opportunity to do so no later than five days prior to the date of the hearing at which they wish to testify. No one will be permitted to testify without prior approval.

2. Requests to testify must include the speaker's name, affiliation (if any), phone number, fax number (if available), mailing address, and the questions in each topic that the speaker intends to address in his or her testimony.

3. Speakers will be provided between 7 and 12 minutes to present their remarks. The exact time allocated per speaker will be determined after the final number of parties testifying has been determined.

4. Speakers must provide a written copy of their testimony for inclusion in the record of the proceedings no later than the last date of the hearings at which they are testifying (e.g., either January 27 or February 11, 1994).

5. Speakers must adhere to guidelines established for testimony. These guidelines will be provided to all speakers no later than two days prior to the date of the hearings.

A schedule providing approximate times for testimony will be provided to all speakers no later than the morning of the day of each hearing. Speakers are advised that the schedule for testimony will be subject to change during the course of the hearings.

IV. Other Information

For information regarding accommodations in the San Jose area, or for information regarding the San Jose Convention Center facilities, individuals can contact Joseph R. Hedges of the Office of Economic Development of the City of San Jose. Mr. Hedges can be reached by phone at (408) 277–5880; by fax at (408) 277–3615, or by mail addressed to 50 West San Fernando Street, suite 900, San Jose, California 95113.

Dated: December 14, 1993.

Bruce A. Lehman,

Assistant Secretary of Commerce and Commissioner of Patents and Trademarks.

[FR Doc. 93–30905 Filed 12–17–93; 8:45 am]

BILLING CODE 3510–16–M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjustment of Import Limits for Certain Cotton and Man-Made Fiber Textile Products Produced or Manufactured in India

December 14, 1993.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs adjusting limits.

EFFECTIVE DATE: December 16, 1993.

FOR FURTHER INFORMATION CONTACT: Jennifer Tallarico, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 927–6705. For information on embargoes and quota re-openings, call (202) 482–3715.

SUPPLEMENTARY INFORMATION:

Authority: Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

The current limit for Categories 335/635 is being increased by application of swing, reducing the limit for Category 313 to account for the increase. Also, the limit for Categories 334/634 within Group II is being increased for swing.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 57 FR 54976, published on November 23, 1992). Also see 57 FR 56328, published on November 27, 1992.

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

D. Michael Hutchinson,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

December 14, 1993.

Commissioner of Customs,

Department of the Treasury, Washington, DC 20229.

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on November 20, 1992, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton, man-made fiber, silk blend and other vegetable fiber textile products, produced or manufactured in India and exported during the twelve-month period which began on January 1, 1993 and extends through December 31, 1993.

Effective on December 16, 1993, you are directed to amend further the directive dated November 20, 1992 to adjust the limits for the following categories, as provided under the terms of the current bilateral agreement between the Governments of the United States and India:

Category	Adjusted twelve-month limit [1]
Levels in Group I	
313	23,476,033 square meters.
335/635	471,198 dozen.
Sublevel in Group II	
334/634	96,739 dozen.

[1] The limits have not been adjusted to account for any imports exported after December 31, 1992.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

D. Michael Hutchinson,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 93–30982 Filed 12–17–93; 8:45 am]

BILLING CODE 3510–DR–F

DEPARTMENT OF DEFENSE

Department of the Army

Environmental Assessment for Realignment Actions at Fort George G. Meade, MD

AGENCY: Army, DOD.

ACTION: Finding of no significant impact.

SUMMARY: The action proposed and analyzed in this Environmental Assessment (EA) is the establishment of the Defense Information School (DINFOS) at Fort Meade by consolidating the realignment of the Defense Information School from the closure of Fort Benjamin Harrison, Indiana, and the realignment of the Defense Visual Information School (DVISCH) from the closure of Lowry Air Force Base, Colorado, as required by the Base Closure and Realignment Act of 1990, Public Law 101–510. The action also includes the realignment and consolidation of the Defense Photography School (DPHSCH) from Naval Air Station Pensacola, Florida.

The relocation and consolidation of these activities to Fort Meade will realign approximately 375 positions, primarily military, to Fort Meade. In addition, it is expected that the average daily student population of the DINFOS will be approximately 570 people. The students will live on post in barracks while attending classes at the DINFOS (Fort Meade).

The Military Services and the Office of the Assistant Secretary of Defense for Public Affairs have considered the consolidation of the various media training schools from each of the military services into one facility for many years. The mandated closure of Fort Benjamin Harrison and Lowry Air Force Base accelerated the study of the proposed consolidation. The Assistant Secretary of Defense for Public Affairs determined that the DPHSCH should be included in the consolidation because of its similar curriculum. The Deputy Secretary of Defense concurred with these findings and directed consolidation of the schools. The Assistant Secretary also determined that locating the new DINFOS near the National Capital Region (NCR) will enhance training by allowing frequent reciprocal visits by industry, Department of Defense (DOD) officials, students, and faculty.

A survey of potential receiving military installations inside and outside the NCR was conducted by the American Forces Information Service (AFIS) to find a location for the new

DINFOS. Site visits of installations in proximity to the NCR were conducted, and installations were ranked by a secondary system developed by DOD. The AFIS determined from its review that only Fort Meade had a cost-effective combination of existing barracks and dining hall facilities, land available for new construction, and a base operating system capable of supporting a 232,000-square-foot (21,576-square-meter) campus facility with an average daily population of 570 students and 375 instructors and support personnel.

Four site layouts (alternatives A, B, C, and D) were identified for the new DINFOS (Fort Meade) facilities. Alternative A is the DOD preferred alternative. All the alternatives will require a combination of new construction and refitting and rehabilitating existing barracks and dining hall facilities in the 8600 areas of the installation. Alternative A provides for the construction of a new 232,000-square-foot (21,576-square-meter) facility in the 8600 areas of Fort Meade that will include space for classrooms, laboratories, and training equipment maintenance. Under Alternative B, a new building containing approximately 119,268 square feet (11,092 square meters) of space would be constructed in the 8600 area and combined with 110,732 square feet (10,298 square meters) of renovated space to accommodate the DINFOS. Under Alternative C, rehabilitated buildings will provide approximately 195,961 square feet (18,224 square meters) of space, and new construction will be limited to a 34,039-square-foot (3,166-square-meter) structure in the 8600 area. Under Alternative D, new construction will occur in the 4200 area (Garrison Headquarters) and provide 92,717 square feet (8,623 square meters) of space. Refitted and rehabilitated structures will provide additional space requirements.

The mandated closure of Lowry Air Force Base and Fort Benjamin Harrison will require the realignment of the DVISCH and the DINFOS to Fort Meade before construction and renovation is complete. In response, two interim alternatives were developed to provide classroom and laboratory space. Interim Alternative A, the preferred interim alternative, provides space in relocatable modular facilities deployed in the 8400 area of the installation. Interim Alternative B would provide lease space off post to accommodate interim training. Under either alternative, DINFOS billeting and dining will occur on Fort Meade.

Establishment of the DINFOS (Fort Meade) is not expected to have any significant impacts on the existing environmental or socioeconomic resources. Furthermore, the realignment of the DPHSCH from the NAS is not expected to have significant environmental or socioeconomic impacts on that installation.

The natural environment at the proposed sites is developed and has been previously disturbed. No floodplains, wetlands, or threatened and endangered species occur on the alternative sites.

Renovation or demolition and new construction will occur under each of the alternatives. Consultation will occur, as required, during the design, demolition, and construction stages of the project to ensure compliance with all federal, state, and local regulations and guidelines. Potential impacts to surface water quality during construction and operations will be mitigated by the use of best management practices and full compliance with Maryland State regulations governing stormwater management and soil erosion control.

Impacts to the installation infrastructure will be mitigated by operating silver recovery units to remove silver from waste photo-developer solutions and by minimizing the use of secondary roadways to meet transportation requirements. Asbestos and lead-based paint, potentially present in structures scheduled for demolition or renovation, will be tested and removed, when necessary, in accordance with AR 200–1 and all applicable federal and Maryland State regulations.

Archeological and architectural surveys have been completed for Alternatives A and B and the State Historic Preservation Officer (SHPO) has concurred with the Army's determination of no effect on historic properties. An archeological and architectural survey of the Interim Alternative A site has been completed. The Army's determination of no effect on historic properties for the interim site will be coordinated with the SHPO. Surveys of the alternative C and D sites will be completed, if those alternatives are selected. All renovations and new construction under Alternatives C and D that could affect historic properties will be coordinated and, if necessary, mitigated in consultation with the SHPO and the Advisory Council on Historic Preservation (ACHP) under the provisions of section 106 of the National Historic Preservation Act. The Army will not undertake any new construction or renovation that could affect historic properties until the actions necessary to inventory, assess, and take into account the effects on historic properties have been completed, consistent with the provisions of the 1992 Programmatic Agreement (PA) between the Army and the ACHP and the National Conference of SHPOs, concerning BRAC actions.

The proposed establishment of the Defense Information School at Fort Meade does not constitute a major federal action significantly affecting the human environment. Because no significant adverse impacts are expected from the consolidation and establishment of the DINFOS at Fort Meade, an Environmental Impact Statement will not be prepared.

DATES: Comments must be received on or before January 19, 1994.

ADDRESSES: Persons wishing to comment may obtain a copy of the EA or inquire into this FNSI by writing to the U.S. Army Corps of Engineers, ATTN: Mr. Jack Butler, Planning Division, P.O. Box 1715, Baltimore, Maryland 21203–1715.

FOR FURTHER INFORMATION CONTACT: Questions regarding this FNSI may be directed to the U.S. Army Corps of Engineers, ATTN: Mr. Jack Butler, at (410) 962–4937.

Dated: December 13, 1993.

Lewis D. Walker,

Deputy Assistant Secretary of the Army (Environment, Safety & Occupational Health), OASA (IL&E).

[FR Doc. 93–30960 Filed 12–17–93; 8:45 am]

BILLING CODE 3710–08–M

DEPARTMENT OF ENERGY

Federal Enegry Regulatory Commission

[Docket No. ER94–222–000, et al.]

PacifiCorp, et al.; Electric Rate, Small Power Production, and Interlocking Directorate Filings

December 14, 1993.

Take notice that the following filings have been made with the Commission:

1. PacifiCorp

[Docket No. ER94–222–000]

Take notice that PacifiCorp on December 8, 1993, tendered for filing in accordance with 18 CFR part 35 of the Commission's Rules and Regulations, Amendment No. 1, dated August 29, 1993, to the July 9, 1976 Agreement (Agreement) between PacifiCorp and Big Horn Rural Electric Company (Big Horn), PacifiCorp Rate Schedule FERC

No. 128. The Amendment eliminates backup and emergency transmission services PacifiCorp provides to Big Horn under the Agreement.

PacifiCorp requests that the rate schedule be canceled as PacifiCorp no longer provides transmission services under the Agreement as amended, or if the Commission determines that the Agreement as amended remains jurisdictional, that a waiver of prior notice be granted and that an effective date of January 1, 1994, be assigned to the Amendment. This date is the date backup and emergency services terminate.

Copies of this filing were supplied to Big Horn and the Public Service Commission of Wyoming and the Public Utility Commission of Oregon.

Comment date: December 28, 1993, in accordance with Standard Paragraph E at the end of this notice.

2. El Paso Electric Company

[Docket No. ER94-213-000]

Take notice that on December 6, 1993, El Paso Electric Company filed Interchange Agreements with the Cities of Azusa, Banning, Colton and Vernon, California, respectively. El Paso requests waiver of the Commission's notice requirement in accordance with the amnesty order issued July 30, 1993, in Docket No. PL93-2-002, so that the Agreements may become effective retroactively as of their respective dates of execution. No service has been provided under any of the agreements.

Comment date: December 28, 1993, in accordance with Standard Paragraph E at the end of this notice.

3. WestPlains Energy, a Division of UtiliCorp United, Inc.

[Docket Nos. ER94-106-000 and ER94-127-000]

(Not Consolidated)

Take notice that on December 3, 1993, WestPlains Energy, a division of UtiliCorp United, Inc. (WestPlains) supplemented its November 1, 1993, filing in Docket No. ER94-106 and its November 5, 1993, filing in Docket No. ER94-127 by providing the 1992 Supplement to UtiliCorp United Inc.'s FERC Form 1 filed with the State Corporation Commission of Kansas in response to informal requests by Commission Staff for additional cost support in these dockets.

A copy of the filing was served on cities of Russell, Cimarron, Holyrood and Montezuma Kansas and the State Corporation Commission of Kansas.

Comment date: December 28, 1993, in accordance with Standard Paragraph E at the end of this notice.

4. PacifiCorp

[Docket No. ER94-95-000]

Take notice that on December 10, 1993, PacifiCorp tendered for filing an amendment to its original filing filed in the above-referenced docket on November 1, 1993.

Comment date: December 29, 1993, in accordance with Standard Paragraph E at the end of this notice.

5. Central Maine Power Company

[Docket No. ER93-704-002]

Take notice that on December 6, 1993, Central Maine Power Company tendered for filing its compliance filing pursuant to the Commission's order issued on November 4, 1993, in the above-referenced docket.

Comment date: December 29, 1993, in accordance with Standard Paragraph E at the end of this notice.

6. Southwestern Electric Power Company; Public Service Company of Oklahoma

[Docket No. ER93-938-001]

Take notice that on December 2, 1993, Southwestern Electric Power Company and Public Service Company of Oklahoma (Companies) submitted for filing a revised Firm Transmission Tariff and a revised Coordination Transmission Service Tariff in compliance with the Commission's November 8, 1993, Order in the above-referenced proceeding.

The proposed Tariffs set forth the rates, terms and conditions at which the Companies will provide certain transmission services for Electric Utilities (as that term is defined in the Tariffs).

Copies of the filing have been served upon parties to the proceeding and the Arkansas Public Service Commission, the Louisiana Public Service Commission, the Oklahoma Corporation Commission, and the Public Utility Commission of Texas.

Comment date: December 29, 1993, in accordance with Standard Paragraph E at the end of this notice.

7. Niagara Mohawk Power Corporation

[Docket No. ER94-159-000]

Take notice that on November 30, 1993, Niagara Mohawk Power Corporation (Niagara Mohawk) tendered for filing a proposed change to Niagara Mohawk Rate Schedule No. 172, an agreement between Niagara Mohawk and Lockport Energy Associates, L.P. (Lockport).

Rate Schedule No. 172 provides for the wheeling of certain loads by Niagara Mohawk to New York State Electric and Gas Corporation generated by the Lockport. The proposed change revises the contract demand for the wheeling of power and energy by Niagara Mohawk. Niagara Mohawk proposes an effective date of October 1, 1993. In support thereof, Niagara Mohawk states that Lockport has consented to this proposed effective date.

Copies of this filing were served upon the Public Service Commission of New York and CU Energy Lockport G.P. Inc.

Comment date: December 28, 1993, in accordance with Standard Paragraph E at the end of this notice.

8. Western Resources, Inc.

[Docket No. ER94-125-000]

Take notice that on November 26, 1993, Western Resources, Inc. tendered for filing an amendment to its November 4, 1993, filing in the above-referenced docket.

Comment date: December 29, 1993, in accordance with Standard Paragraph E at the end of this notice.

9. New York State Electric & Gas Corporation

[Docket No. ER94-216-000]

Take notice that on December 7, 1993, New York State Electric & Gas Corporation (NYSEG) tendered for filing pursuant to § 35.12 of the Federal Energy Regulatory Commission's Regulations. 18 CFR 35.12 (1993), as an Initial Rate Schedule, an agreement with the Municipal Board of the Village of Bath (the Village). Pursuant to this Agreement, NYSEG agreed to construct, operate, maintain, repair and modify certain tap facilities to facilitate transmission service to the Village's Fairview Drive Substation.

NYSEG requests an effective date of December 1, 1977, and, therefore, requests waiver of the Commission's notice requirements for good cause shown.

NYSEG states that a copy of this filing has been served by mail upon the Village and upon the Public Service Commission of the State of New York.

Comment date: December 28, 1993, in accordance with Standard Paragraph E at the end of this notice.

10. Commonwealth Electric Company

[Docket No. ER94-217-000]

Take notice that on December 7, 1993, Commonwealth Electric Company (Commonwealth) tendered for filing, pursuant to § 35.12 of the Commission's Regulations, a System Power Sale agreement governing the sale by Commonwealth of System Power (as defined therein) to Chicopee Municipal Lighting Plant (Chicopee).

By the provisions of this agreement, Commonwealth proposes to sell to

Chicopee electric power upon terms and conditions and in amounts mutually acceptable to both parties. Pursuant to the provision of § 35.3 of the Commission's regulations, Commonwealth submits this agreement more than 60 days but not less than 120 days before it becomes effective. Commonwealth requests that the tendered agreement become effective as proposed on February 4, 1994.

A copy of this filing has been served upon Chicopee and upon the Massachusetts Department of Public Utilities.

Comment date: December 28, 1993, in accordance with Standard Paragraph E at the end of this notice.

11. Western Resources, Inc.

[Docket No. ER94-219-000]

Take notice that on December 7, 1993, Western Resources, Inc. (WRI) tendered for filing a letter from the Executive Committee of the Western Systems Power Pool (WSPP) approving WRI's application for membership in the WSPP. WRI requests it be permitted to become a member of the WSPP. In order to receive the benefits of pool membership, WRI requests waiver of the Commission's prior notice requirement to allow its WSPP membership to become effective as soon as possible, but in no event later than 60 days from this filing.

Copies of the filing were served on WSPP and the Kansas Corporation Commission.

Comment date: December 28, 1993, in accordance with Standard Paragraph E at the end of this notice.

12. Consumers Power Company

[Docket No. ER94-212-000]

Take notice that on December 6, 1993, Consumers Power Company (Consumers) tendered for filing a Service Agreement with the Michigan Public Power Agency (MPPA) and Wolverine Power Supply Cooperative, Inc. (Wolverine) pursuant to Consumers' Open Access Transmission Service Tariff. The filed Service Agreement extends the availability of transmission service to MPPA and Wolverine in order to facilitate operation of the Municipal Cooperative Coordinated Pool. A copy of the filing was served on the Michigan Public Service Commission.

Comment date: December 28, 1993, in accordance with Standard Paragraph E at the end of this notice.

13. Puget Sound Power & Light Company

[Docket No. ER94-198-000]

Take notice that on November 30, 1993, Puget Sound Power & Light Company (Puget) tendered for filing an initial rate schedule between the United States of America Department of Energy acting by and through the Bonneville Power Administration (Bonneville) and Puget, executed January 31, 1964 (the Agreement). A copy of the filing was served upon Bonneville.

Puget states that the Agreement relates to Bonneville's provision of transmission services to Puget. The Agreement also provides for Puget to make available to Bonneville an additional amount of electric energy, apparently to account for transmission losses.

Comment date: December 28, 1993, in accordance with Standard Paragraph E at the end of this notice.

14. Puget Sound Power & Light Company

[Docket No. ER94-199-000]

Take notice that on November 30, 1993, Puget Sound Power & Light Company (Puget) tendered for filing an initial rate schedule between the United States of America Department of Energy acting by and through the Bonneville Power Administration (Bonneville) and Puget, executed January 24, 1966 (the Agreement). A copy of the filing was served upon Bonneville.

Puget states that the Agreement relates to Bonneville's provision of transmission services to Puget. The Agreement also provides for Puget to make available to Bonneville an additional amount of electric energy, apparently to account for transmission losses.

Comment date: December 28, 1993, in accordance with Standard Paragraph E at the end of this notice.

15. Pennsylvania Power & Light Company

[Docket No. ER94-204-000]

Take notice that Pennsylvania Power & Light Company (PP&L) on November 30, 1993, tendered for filing the First Supplement to the Agreement between Pennsylvania Power & Light Company and Public Service Electric and Gas (PSE&G) for Import Capability Transactions (Agreement) dated April 24, 1992. PP&L and PSE&G each have available for sale from time to time up to 100% of their respective shares of the capability of the PJM Interconnection to import energy from west of PJM. The Agreement sets forth the terms and conditions under which PP&L sells import capability to PSE&G and PSE&G sells import capability to PP&L. The First Supplement proposes procedural changes to the methods for determining the actual amount of import capability provided by the selling party. The First Supplement does not change the rates for selling import capability, or the amounts of import capability that may be sold.

PP&L requests an effective date of January 29, 1994. PP&L is not requesting any notice period waivers.

PP&L states that a copy of its filing was served on PSE&G, the Pennsylvania Public Utility Commission and the New Jersey Board of Regulatory Commissioners.

Comment date: December 28, 1993, in accordance with Standard Paragraph E at the end of this notice.

16. PacifiCorp

[Docket No. ER94-50-000]

Take notice that PacifiCorp, on December 7, 1993, tendered for filing in accordance with 18 CFR part 35 of the Commission's Rules and Regulations, an amendment to its filing in the above-referenced docket.

PacifiCorp renews its request that the Commission accept the filing effective December 31, 1993.

Copies of this amended filing were supplied to Pacific Gas and Electric Company, Southern California Edison Company, the Public Utility Commission of Oregon, the Utah Public Service Commission and the Public Utilities Commission of the State of California.

Comment date: December 28, 1993, in accordance with Standard Paragraph E at the end of this notice.

17. Puget Sound Power & Light Company

[Docket No. ER94-197-000]

Take notice that on November 30, 1993, Puget Sound Power & Light Company (Puget) tendered for filing an initial rate schedule between the United States of America Department of Energy acting by and through the Bonneville Power Administration (Bonneville) and Puget, executed December 30, 1987 (the Agreement). A copy of the filing was served upon Bonneville.

Puget states that the Agreement relates to Bonneville's provision of transmission services to Puget and Puget's provision to Bonneville of an amount of electric energy to account for transmission losses.

Comment date: December 28, 1993, in accordance with Standard Paragraph E at the end of this notice.

18. Puget Sound Power & Light Company

[Docket No. ER94-203-000]

Take notice that on November 30, 1993, Puget Sound Power & Light

Company (Puget) tendered for filing an initial rate schedule between the United States of America Department of Energy acting by and through the Bonneville Power Administration (Bonneville) and Puget, executed December 30, 1987 (the Agreement). A copy of the filing was served upon Bonneville.

Puget states that the Agreement relates to Bonneville's provision of transmission services to Puget and Puget's provision to Bonneville of an amount of electric energy to account for transmission losses.

Comment date: December 28, 1993, in accordance with Standard Paragraph E at the end of this notice.

19. Puget Sound Power & Light Company

[Docket No. ER94-202-000]

Take notice that on November 30, 1993, Puget Sound Power & Light Company (Puget) tendered for filing an initial rate schedule between the United States of America Department of Energy acting by and through the Bonneville Power Administration (Bonneville) and Puget, executed April 17, 1981 (the Agreement). A copy of the filing was served upon Bonneville.

Puget states that the Agreement relates to Bonneville's provision of transmission services to Puget and Puget's provision to Bonneville of an amount of electric energy to account for transmission losses.

Comment date: December 28, 1993, in accordance with Standard Paragraph E at the end of this notice.

20. Puget Sound Power & Light Company

[Docket No. ER94-201-000]

Take notice that on November 30, 1993, Puget Sound Power & Light Company (Puget) tendered for filing an initial rate schedule between the United States of America Department of Energy acting by and through the Bonneville Power Administration (Bonneville), Public Utility District No. 2 of Grant County, Washington (District) and Puget, executed June 30, 1959 (the Agreement). A copy of the filing was served upon Bonneville and District.

Puget states that the Agreement relates to Bonneville's provision of transmission services from District to Puget. The Agreement also provides that the amounts of energy to be delivered by Bonneville to Puget are to be the amounts deemed to be made available to Bonneville by the District, adjusted for losses incurred by Bonneville between its point of interconnection with District and its point or points of delivery to Puget.

Comment date: December 28, 1993, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraphs

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 93-30946 Filed 12-17-93; 8:45 am]

BILLING CODE 6717-01-P

Federal Energy Regulatory Commission

[Project No. 2188]

Montana Power Co.; Intention To Prepare an Environmental Impact Statement and Conduct Public Scoping Meetings

December 13, 1993.

The Federal Energy Regulatory Commission (Commission) has received an application for a new license (relicense) for the Missouri-Madison Hydroelectric Project (Project No. 2188) operated by the Montana Power Company. The project, which is located on the Missouri and Madison Rivers, consists of nine developments located between West Yellowstone and Great Falls, Montana.

On reviewing the application, supplemental filings, and intervenor submittals, the Commission staff has concluded that issuing a new license for the Missouri-Madison Project would constitute a major federal action that could significantly affect the quality of the human environment. Pursuant to the National Environmental Policy Act (NEPA) of 1969 and the Commission's regulations, the staff will prepare an environmental impact statement (EIS) that will describe and evaluate the probable impacts of Montana Power's proposal and alternatives.

One element of the EIS process is scoping. Scoping activities are initiated early to:

- Identify reasonable alternative operational procedures and environmental enhancement measures that should be evaluated in the EIS;
- Identify significant environmental issues related to the proposed operation of the project;
- Determine the depth of analysis for issues that will be addressed in the EIS; and
- Identify resource issues that are of lesser importance and, consequently, do not require detailed analysis in the EIS.

Scoping Meetings

Commission staff will conduct four scoping meetings. Three evening scoping meetings will be primarily for public input, while a daytime meeting will focus on resource agency and non-governmental organization (NGO) concerns. All interested individuals, organizations, and agencies are invited to attend one or more of the meetings to assist the staff in identifying the scope of environmental issues that should be analyzed in the EIS. The times and locations of the evening scoping meetings are as follows:

Tuesday, January 18, 1994: 7 p.m. in the Missouri Room of the Great Falls Civic Center, Great Falls, Montana.

Wednesday, January 19, 1994: 7 p.m. in the Judicial Room of the Best Western Colonial Inn, Helena, Montana.

Thursday, January 20, 1994: 7 p.m. in the Ennis High School Library, Ennis, Montana.

The staff will also hold a scoping meeting oriented toward resource agencies and NGOs on Wednesday, January 19, 1994, from 1 to 3 p.m. in the Judicial Room of the Best Western Colonial Inn, Helena, Montana.

Procedures

The scoping meetings will be recorded by a stenographer and the notes will become part of the formal record of the Commission proceedings on the Missouri-Madison Hydroelectric Project. Before the meeting starts, individuals who intend to make statements during the meeting will be asked to sign in to clearly identify themselves for the record.

Concerned parties are encouraged to offer us verbal guidance during public meetings. Speaking time allowed for individuals will be determined before each meeting, based on the number of persons wishing to speak and the approximate amount of time available for the session, but all speakers will be provided at least five minutes to present their views.

People choosing not to speak but wishing to express an opinion, as well as speakers unable to summarize their positions within their allotted time, may submit written statements at the meetings for inclusion in the public record.

Written scoping comments may also be filed with the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE, Washington, DC 20426, until February 21, 1994. All filings should contain an original and 8 copies. Failure to file an original and 8 copies may result in appropriate staff not receiving the benefit of your comments in a timely manner. See 18 CFR 4.34(h).

All correspondence should clearly show the following caption on the first page: Missouri-Madison Hydroelectric Project FERC Project No. 2188, Montana.

All those attending scoping meetings are urged to refrain from making any communication concerning the merits of the application to any member of the Commission staff or the Commission's contractor outside of the established process for developing the record as stated above. Any such communications will be entered by staff into the record of the proceeding.

Further, interested persons are reminded of the Commission's Rules of Practice and Procedure, requiring parties or interceders (as defined in 18 CFR 385.2010) filing documents with the Commission to serve a copy of the document on each person whose name is on the official service list for this proceeding. See 18 CFR 4.34(b).

Objectives

At the scoping meetings, the staff will:

- Summarize the environmental issues tentatively identified for analysis in the EIS;
- Identify resource issues that are of lesser importance and, therefore, do not require detailed analysis;
- Solicit from the meeting participants all available information, especially quantifiable data, concerning significant local resources; and
- Encourage statements from experts and the public on issues that should be analyzed in the EIS.

Information Requested

Federal and state resource agencies, local government officials, interested groups, area residents, and concerned individuals are requested to provide any information they believe will assist the Commission staff to analyze the environmental impacts associated with relicensing the Missouri-Madison Project. The types of information sought include the following:

- Data, reports, and resource plans that characterize the baseline physical, biological, or social environments in the project's vicinity.
- Information and data that helps staff identify or evaluate significant environmental issues.

Scoping information and associated comments should be submitted to the Commission no later than February 21, 1994.

Written comments should be provided at the scoping meetings or mailed to the Commission, as follows: Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426.

All filings sent to the Secretary of the Commission should contain an original and 8 copies. Failure to file an original and 8 copies may result in appropriate staff not receiving the benefit of your comments in a timely manner. See 18 CFR 4.34(h).

All correspondence should clearly show the following caption on the first page: Missouri-Madison Hydroelectric Project FERC Project No. 2188, Montana.

Intervenors and interceders (as defined in 18 CFR 385.2010) who file documents with the Commission are reminded of the Commission's Rules of Practice and Procedure requiring them to serve a copy of all documents filed with the Commission on each person whose name is listed on the official service list for this proceeding. See 18 CFR 4.34(b).

For further information, please contact John McEachern at (202) 219–3056.

Lois D. Cashell,

Secretary.

[FR Doc. 93–30918 Filed 12–17–93; 8:45 am]

BILLING CODE 6717–01–P

[Docket Nos. ES94–7–000, ES94–7–001, ES94–7–002 and ES94–7–003]

Genesee Power Station Limited Partnership; Issuance of Commission Letter Order and Comment Period

December 14, 1993.

Take notice that on December 13, 1993, the Chief Accountant, pursuant to delegated authority, issued a Letter Order to Genesee Power Station Limited Partnership (Genesee) conditionally granting blanket approval under 18 CFR Part 34 of all future issuances of securities and assumptions of liabilities by Genesee.

The December 13, 1993, Letter Order in ordering paragraphs (C)(1), (C)(2) and (C)(3), reads as follows:

(C)(1) Within 30 days of the date of this letter order, any person desiring to be heard or to protest this blanket approval of the issuances of securities or assumptions of liabilities by Genesee should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214).

(C)(2) Absent a request for hearing within the period set forth above, Genesee is authorized to issue securities and assume obligations or liabilities as guarantor, endorser, surety, or otherwise in respect of any security of another person; provided that such issue or assumption is for some lawful object within the corporate purposes of the applicant, and compatible with the public interest, and is reasonably necessary or appropriate for such purposes.

(C)(3) The Commission reserves the right to require a further showing that neither public nor private interests will be adversely affected by continued Commission approval of Genesee's issuances of securities or assumption of liabilities.

Notice is hereby given that the deadline for filing a motion to intervene or protest, as set forth above, is January 12, 1994.

Copies of the full text of the Letter Order are available from the Commission's Public Reference Branch, room 3308, 941 North Capitol Street, NE., Washington, DC 20426.

Lois D. Cashell,

Secretary.

[FR Doc. 93–30920 Filed 12–17–93; 8:45 am]

BILLING CODE 6717–01–P

[Docket No. ER93–951–000]

Montenay Montgomery Limited Partnership; Issuance of Order

December 14, 1993.

On September 14, 1993, and November 5, 1993, Montenay Montgomery Limited Partnership (MMLP) submitted for filing with the Commission a power sales agreement with Philadelphia Electric Company. MMLP also requested waiver of various Commission regulations. In particular, MMLP also requested that the Commission grant blanket approval under 18 CFR part 34 of all future issuances of securities and assumptions of liability by MMLP.

On December 10, 1993, pursuant to delegated authority, the Director, Division of Applications, Office of Electric Power Regulation, granted requests for blanket approval under 18 CFR part 34, subject to the following.

Within thirty days of the date of this order, any person desiring to be heard or to protest the blanket approval of issuances of securities or assumptions of liability by MMLP should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214).

Absent a request for hearing within this period, MMLP is authorized to issue securities and assume obligations or liabilities as a guarantor, indorser, surety, or otherwise in respect of any security of another person; provided that such issuance or assumption is for some lawful object within the corporate purposes of the applicant, and compatible with the public interest, and is reasonably necessary or appropriate for such purposes.

The Commission reserves the right to require a further showing that neither public or private interests will be adversely affected by continued approval of MMLP's issuances of securities or assumptions of liability.

Notice is hereby given that the deadline for filing motions to intervene or protests, as set forth above, is January 10, 1994.

Copies of the full text of the order are available from the Commission's Public Reference Branch, room 3308, 941 North Capitol Street, NE., Washington, DC 20426.

Lois D. Cashell,

Secretary.

[FR Doc. 93-30919 Filed 12-17-93; 8:45 am]

BILLING CODE 6717-01-P

ENVIRONMENTAL PROTECTION AGENCY

[FRL-4815-6]

Public Water Supervision Program: Program Revision for the Commonwealth of Massachusetts

AGENCY: U.S. Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Notice is hereby given that the Commonwealth of Massachusetts is revising it's approved State Public Water Supervision Primacy Program. Massachusetts has adopted drinking water regulations for total coliforms (including fecal coliforms and E. Coli) that correspond to the National Primary Drinking Water Regulations for total coliforms (including fecal coliforms and E. Coli) promulgated by EPA on June 29, 1989 (54 FR 27544). EPA has determined that the State program revisions are no less stringent than the corresponding Federal regulations. Therefore, EPA has tentatively decided to approve these State program revisions. All interested parties are invited to request a public hearing. A request for a public hearing must be submitted by January 19, 1994, to the Regional Administrator at the address shown below. Frivolous or insubstantial requests for a hearing may be denied by the Regional Administrator. However, if a substantial request for a public hearing is made by January 19, 1994, a public hearing will be held. If no timely and appropriate request for a hearing is received and the Regional Administrator does not elect to hold a hearing on his own motion, this determination shall become effective January 19, 1994.

Any request for a public hearing shall include the following: (1) The name, address, and telephone number of the individual, organization or other entity requesting a hearing. (2) A brief statement of the requesting person's interest in the Regional Administrator's determination and of information that the requesting person intended to submit at such hearing. (3) The signature of the individual making the request: or, if the request is made on behalf of an organization or other entity, the signature of a responsible official of the organization or other entity.

ADDRESSES: All documents relating to this determination are available for inspection between the hours of 8 a.m. and 4:30 p.m. Monday through Friday, at the following offices: Massachusetts Department of Environmental Protection, Division of Water Supply—9th Floor, One Winter Street, Boston, MA 02108,

and

U.S. Environmental Protection Agency—Region I, Ground Water Management and Water Supply Branch, One Congress Street—11th Floor, Boston, MA 02203.

FOR FURTHER INFORMATION CONTACT: J. Kevin Reilly, U.S. Environmental Protection Agency—Region I, Ground Water Management and Water Supply Branch, JFK Federal Building, Boston, MA 02203, Telephone: (617) 565-3619.

Authority: Section 1413 of the Safe Drinking Water Act, as amended (1986); and 40 CFR 142.10 of the National Primary Drinking Water Regulations.

Dated: December 10, 1993.

Patricia L. Meaney,

Acting Regional Administrator.

[FR Doc. 93-30972 Filed 12-17-93; 8:45 am]

BILLING CODE 6560-50-P

[FRL-4816-3]

Tonolli 2nd De Minimis Settlement; Correction; Proposed Administrative Settlement Under the Comprehensive Environmental Response, Compensation and Liability Act; Tonolli 2nd De Minimis Settlement; Correction

AGENCY: U.S. Environmental Protection Agency.

ACTION: Correction; request for public comment.

SUMMARY: In notice document 93-25103, on pages 52961 and 52962 of the issue of Wednesday, October 13, 1993, the United States Environmental Protection Agency ("EPA") proposed to enter into a second de minimis settlement with 33 de minimis parties pursuant to section 122(g)(4) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended, ("CERCLA") 42 U.S.C. 9622(g)(4), for response costs incurred, and to be incurred, at the Tonolli Corporation Superfund Site, Nesquehoning, Pennsylvania. The correct number of parties is 34. Thus, in accordance with section 122(i)(1) of CERCLA, 42 U.S.C. 9622(i)(1), EPA will receive written comments for thirty (30) days from the date of publication of this Notice relating to the participation in this Agreement of the proposed de minimis settlor set forth below.

In notice document 93-25103 beginning on page 52961 in the issue of Wednesday, October 13, 1993, make the following corrections:

On page 52961 in the third column, in the first paragraph, EPA indicates the proposed settlement is intended to resolve the liabilities under CERCLA of 33 de minimis parties for response costs, incurred and to be incurred at the Tonolli Corporation Superfund Site, Nesquehoning, Pennsylvania. This should be changed to read 34 de minimis parties.

On page 52961 in the third column, and continuing on page 52962, first column, under SUPPLEMENTARY INFORMATION, the notice lists the parties who have executed certifications of their consent to participate in the settlement. The following party should be added to the list: Nathan's Waste and Paper Stock Company.

On page 52962, in the first column, in the first paragraph, reference is made to 33 parties collectively agreeing to pay $542,124.04. This should be changed to read 34 parties collectively agreeing to pay $545,027.57.

On page 52962, in the second column, in the first full paragraph, reference is made to 33 de minimis settlors. This should be changed to read 34 de minimis settlors.

DATES: Written comments must be provided to the person below by January 19, 1994.

ADDRESS: Written comments must be addressed to the Docket Clerk, United States Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, PA 19107, and should refer to: In Re Tonolli Corporation Superfund Site, Nesquehoning, Pennsylvania, U.S. EPA Docket No. III–93–03–DC.

FOR ADDITIONAL INFORMATION CONTACT: Lydia Isales, (215) 597–9951, United States Environmental Protection Agency, Office of Regional Counsel (3RC20), 841 Chestnut Building, Philadelphia, PA 19107. A copy of the proposed Administrative Order on Consent may be obtained by contacting Ms. Isales.

Dated: December 9, 1993.

W.T. Wisniewski,

Acting Regional Administrator.

[FR Doc. 93–30973 Filed 12–17–93; 8:45 am]

BILLING CODE 6560–50–M

FARM CREDIT ADMINISTRATION

[Farm Credit Administration Order No. 920]

Revocation of Farm Credit Administration Orders

AGENCY: Farm Credit Administration.

ACTION: Notice.

SUMMARY: The Chief Executive Officer of the Farm Credit Administration (FCA) issued FCA Order No. 920 authorizing the revocation of all FCA Orders except for those listed. The text of the Order is as follows:

1. All Farm Credit Administration (FCA) Orders are hereby revoked or superseded except for Nos. 604, 642, 643, 659, 758, 759, 760, 761, 762, 767, 787, 788, 789, 796, 797, 798, 815, 816, 817, 818, 838, 839, 840, 850, 851, 852, 870, 876, 877, 879, 887, 893, 908, 909, 910, 911, 916, 917, 918, 919. These Orders shall remain in effect until revoked, superseded, or otherwise terminated by action of the CEO of FCA.

2. Effect on Previous Orders: Revokes all outstanding FCA Orders except Nos. 604, 642, 643, 659, 758, 759, 760, 761, 762, 767, 787, 788, 789, 796, 797, 798, 815, 816, 817, 818, 838, 839, 840, 850, 851, 852, 870, 876, 877, 879, 887, 893, 908, 909, 910, 911, 916, 917, 918, 919.

3. Source of Authority: BM–08–DEC–93–03.

4. Effective Date of Order: 08–DEC–93.

The original order was signed by Billy Ross Brown, Chief Executive Officer, on December 13, 1993.

Dated: December 14, 1993.

Curtis M. Anderson,

Secretary, Farm Credit Administration Board.

[FR Doc. 93–30947 Filed 12–17–93; 8:45 am]

BILLING CODE 6705–01–P

FEDERAL COMMUNICATIONS COMMISSION

Public Information Collection Requirement Submitted to Office of Management and Budget for Review

December 13, 1993.

The Federal Communications Commission has submitted the following information collection requirement to OMB for review and clearance under the Paperwork Reduction Act of 1980 (44 U.S.C. 3507).

Copies of this submission may be purchased from the Commission's copy contractor, International Transcription Service, Inc., 2100 M Street, NW., suite 140, Washington, DC 20037, (202) 857–3800. For further information on this submission contact Judy Boley, Federal Communications Commission, (202) 632–0276. Persons wishing to comment on this information collection should contact Timothy Fain, Office of Management and Budget, room 3235 NEOB, Washington, DC 20503, (202) 395–3561.

OMB Number: 3060–0108.

Title: Emergency Broadcast System (EBS) Activation Report.

Form Number: FCC Form 201.

Action: Extension of a currently approved collection.

Respondents: Businesses or other for-profit (including small businesses).

Frequency of Response: On occasion reporting requirement.

Estimated Annual Burden: 500 responses; .084 hours average burden per response; 42 hours total annual burden.

Needs and Uses: The Emergency Broadcast System (EBS) Activation Report (FCC Form 201) was developed as part of the EBS planning program. The program is a three-agency agreement between the FCC, the NOAA Weather Service, and the Federal Emergency Management Agency (FEMA). The postcard was recommended for use in the program by the National Industry Advisory Committee (NIAC). The postcard allows the three agencies to assess the success of the program and pinpoint the areas of the country that need further assistance in developing their local EBS.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 93–30895 Filed 12–17–93; 8:45 am]

BILLING CODE 6712–01–M

[Report No. 1991]

Petitions for Reconsideration and Clarification of Actions in Rulemaking Proceedings

December 14, 1993.

Petitions for reconsideration and clarification have been filed in the Commission rulemaking proceedings listed in this Public Notice and published pursuant to 47 CFR 1.429(e). The full text of these documents are available for viewing and copying in room 239, 1919 M Street, NW., Washington, DC or may be purchased from the Commission's copy contractor ITS, Inc. (202) 857–3800. Opposition to these petitions must be filed January 4, 1994. See § 1.4(b)(1) of the Commission's rules (47 CFR 1.4(b)(1)). Replies to an opposition must be filed within 10 days after the time for filing oppositions has expired.

Subject: Policies and Rules Concerning Operator Service Access and Pay Telephone Compensation (CC Docket No. 91–35). Number of Petitions Filed: 1.

Subject: Policies and Rules Concerning Operator Service Access and Pay Telephone Compensation (CC Docket No. 91–35).

Request for Removal From List of "Initial Interim Compensation Obligation for Each Competitive Payphone," and Correction of Such List, As Set Forth in Appendix B, of Policies and Rules Concerning Service Access and Pay Telephone Compensation, Second Report and Order, released: 05–08–92. Number of Petitions Filed: 1.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 93–30896 Filed 12–17–93; 8:45 am]

BILLING CODE 6712–01–M

Application for Consolidated Hearing; Charles A. Farmer et al.

1. The Commission has before it the following mutually exclusive applications for a new FM Station:

Applicant	City/State	File No.	MM docket
A. Charles A. Farmer	Ilwaco, WA	BPH-920518MA	93-301
B. Richard M. Schafbuch	Ilwaco, WA	BPH-920521MI	

2. Pursuant to section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon the issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety under the corresponding headings at 51 FR 19347, May 29, 1986. The letter shown before each applicant's name, above, is used below to signify whether the issue in question applies to that particular applicant.

Issue heading	Applicants
1. Comparative	A, B
2. Ultimate	A, B

3. If there are any non-standardized issues in this proceeding, the full text of the issue and the applicants to which it applies are set forth in an Appendix to this Notice. A copy of the complete HDO in this proceeding is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text may also be purchased from the Commission's duplicating contractor, International Transcription Service, 2100 M Street, NW., suite 140, Washington, DC 20037 Telephone 202 857-3800.

Larry D. Eads,

Chief, Audio Services Division, Mass Media Bureau.

[FR Doc. 93-30897 Filed 12-17-93; 8:45 am]

BILLING CODE 6712-01-M

Applications for Consolidated Hearing; Stephen O. Meredith et al.

1. The Commission has before it the following mutually exclusive applications for a new FM station:

Applicant	City/State	File No.	MM docket No.
A. Stephen O. Meredith	Audubon, IA	BPH-920430MD	93-300
B. Al Hazelton	Audubon, IA	BPH-920430ME	

2. Pursuant to section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon the issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety under the corresponding headings at 51 FR 19347, May 29, 1986. The letter shown before each applicant's name, above, is used below to signify whether the issue in question applies to that particular applicant.

Issue heading	Applicants
1. Comparative	A & B
2. Ultimate	A & B

3. If there is any non-standardized issue(s) in this proceeding, the full text of the issue and the applicant(s) to which it applies are set forth in an Appendix to this Notice. A copy of the complete HDO in this proceeding is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text may also be purchased from the Commission's duplicating contractor, International Transcription Service, 2100 M Street, NW., Suite 140, Washington, D.C. 20037 (telephone (202) 857-3800).

Linda B. Blair,

Assistant Chief, Audio Services Division, Mass Media Bureau.

[FR Doc. 93-30898 Filed 12-17-93; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL MARITIME COMMISSION

Agreement(s) Filed; West Coast of South America et al.

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 800 North Capitol Street, NW., 9th Floor. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments are found in § 572.603 of title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 202-002744-074.

Title: West Coast of South America Agreement.

Parties:

A.P. Moller-Maersk
Compania Chilena de Navigacion Interoceania, S.A.
Compania Sud Americana de Vapores, S.A.
Crowley American Transport, Inc.
ENS Container Line Ltd.
Empremar/MSC Joint Service
Flota Mercante Grancolombiana, S.A.
Gulf Pac Express Service
Lineas Navieras Bolivianas, S.A.M.
Lykes Bros. Steamship Co., Inc.
Nedlloyd Lijnen, B.V.
South Pacific Shipping Company Ltd.

Synopsis: The proposed amendment revises Article 5(h) to provide that Agreement members may charter space to the parties of the West Coast of South America Discussion Agreement.

Agreement No.: 203-011426-001.

Title: West Coast of South America Discussion Agreement.

Parties:

West Coast of South America Agreement
Naviera Consolidada S.A.
Transportes Navieros Ecuatorianos
Seaboard Marine Ltd.

Synopsis: The proposed amendment adds new Articles 5(f) and 5(g) to provide for space chartering authority and the submission of quarterly reports.

Agreement No.: 224-200812.

Title: Jacksonville Port Authority/Puerto Rico Maritime Shipping Authority Dockage Agreement.

Parties:

Jacksonville Port Authority.
Puerto Rico Maritime Shipping Authority ("PRMA").

Synopsis: The proposed Agreement provides for dockage rates for PRMSA.

Dated: December 15, 1993.

By Order of the Federal Maritime Commission.

Joseph C. Polking,
Secretary.

[FR Doc. 93-30953 Filed 12-17-93; 8:45 am]

BILLING CODE 6730-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Agency Forms Submitted to the Office of Management and Budget for Clearance

On Fridays, the Department of Health and Human Services, Office of the Secretary publishes a list of information collections it has submitted to the Office of Management and Budget (OMB) for clearance in compliance with the Paperwork Reduction Act (44 U.S.C. chapter 35). The following are those information collections recently submitted to OMB.

1. HHS Acquisition Regulations—HHSAR Part 352. Solicitation Provisions and Contract Clauses—0990-0130—Extension—The Key Personnel clause in HHSAR 352.27-5 requires contractors to obtain approval before substituting key personnel which are specified in the contract. Respondents: State or local governments, Businesses or other for-profit, non-profit institutions, Small businesses; Total Number of Respondents: 1802; Frequency of Response: 1 time; Average Burden per Response: 2 hours; Estimated Annual Burden: 3604 hours.

2. HHS Acquisition Regulations HHSAR Part 370 Special Programs Affecting Acquisition—0990-0129—Extension—HHSAR Part 370 establishes requirements for the accessibility of meetings, conferences, and seminars to persons with disabilities; establishes requirements for Indiana Preference in employment, training and subcontracting opportunities. Respondents: State or local governments, Businesses or other for-profit, non-profit institutions, Small businesses: Burden Information about Accessibility of Meetings—Annual Number of Respondents: 340 Annual Frequency of Response: 1 time; Average Burden per Response: 8 hours; Total Annual Burden: 2,720 hours—Burden Information about Indian Preference—Annual Number of Respondents: 1048; Annual Frequency of Response: 1 time; Average Burden per Response: 8 hours; Total Annual Burden: 8,384 hours—Total Burden: 11,104 hours.

OMB Desk Officer: Allison Eydt.

Copies of the information collection packages listed above can be obtained by calling the OS Reports Clearance Officer on (202) 619-0511. Written comments and recommendations for the proposed information collection should be sent directly to the OMB desk officer designated above at the following address: OMB Reports Management Branch, New Executive Office Building, room 3208, Washington, DC 20503.

Dated: December 13, 1993.

Dennis P. Williams,
Deputy Assistant Secretary, Budget.

[FR Doc. 93-30928 Filed 12-17-93; 8:45 am]

BILLING CODE 4150-04-M

Federal Financial Participation in State Assistance Expenditures; Federal Matching Shares for Aid to Families With Dependent Children, Medicaid, and Aid to Needy Aged, Blind, or Disabled Persons for October 1, 1994 Through September 30, 1995

AGENCY: Office of the Secretary, HHS.

ACTION: Notice.

SUMMARY: The Federal Percentages and Federal Medical Assistance Percentages for Fiscal Year 1995 have been calculated pursuant to the Social Security Act (the Act). These percentages will be effective from October 1, 1994 through September 30, 1995. This notice announces the calculated "Federal percentages" and "Federal medical assistance percentages" that we will use in determining the amount of Federal matching in State welfare and medical expenditures. The table gives figures for each of the 50 States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands. Programs under title XIX of the Act exist in each jurisdiction; title IV-A programs in all jurisdictions except American Samoa and the Northern Mariana Islands; programs under titles I, X, and XIV operate only in Guam and the Virgin Islands; while a program under title XVI (AABD) operates only in Puerto Rico. The percentages in this notice apply to State expenditures for assistance payments and medical services (except family planning which is subject to a higher matching rate). The statute provides separately for Federal matching of administrative costs.

Sections 1101(a)(8) and 1905(b) of the Act, as revised by section 9528 of Public Law 99-272, require the Secretary of Health and Human Services to publish these percentages each year. The Secretary is to figure the percentages, by formulas in sections 1101(a)(8) and 1905(b) of the Act, from the Department of Commerce's statistics of average income per person in each State and in the Nation as a whole. The percentages are within upper and lower limits given in those two sections of the Act. The statute specifies the percentages to be applied to Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands.

The "Federal percentages" are for Aid to Families with Dependent Children (AFDC) and aid to needy aged, blind, or disabled persons, and the "Federal medical assistance percentages" are for Medicaid. However, under section 1118 of the Act, States with approved Medicaid plans may claim Federal matching funds for expenditures under approved State plans for programs under titles I, IVa, X, XIV, and XVI (AABD) of the Act using either the Federal percentage or the Federal medical assistance percentage. These States may claim at the Federal medical assistance percentage without regard to any maximum on the dollar amounts per recipient which may be counted under paragraphs (1) and (2) of sections 3(a), 403(a), 1003(a), 1403(a), and 1603(a) of the Act.

DATES: The percentages listed will be effective for each of the 4 quarter-year periods in the period beginning October 1, 1994 and ending September 30, 1995.

FOR FURTHER INFORMATION CONTACT:

Mr. Gene Moyer, Office of Health Policy, Office of the Assistant Secretary for Planning and Evaluation, room 442E Hubert H. Humphrey Building, 200 Independence Avenue SW., Washington, DC 20201, Telephone (202) 690-7861.

(Catalog of Federal Domestic Assistance Program Nos. 13.808—Assistance Payments—Maintenance Assistance (State Aid); 13.714—Medical Assistance Program)

Dated: November 28, 1993.

Donna E. Shalala,

Secretary of Health and Human Services.

FEDERAL PERCENTAGES AND FEDERAL MEDICAL ASSISTANCE PERCENTAGES, EFFECTIVE OCTOBER 1, 1994–SEPTEMBER 30, 1995 (FISCAL YEAR 1995)

State	Federal percentages	Federal medical assistance percentages
Alabama	65.00	70.45
Alaska	50.00	50.00
American Samoa	50.00	[1] 50.00
Arizona	62.67	66.40
Arkansas	65.00	73.75
California	50.00	50.00
Colorado	50.00	53.10
Connecticut	50.00	50.00
Delaware	50.00	50.00
District of Columbia	50.00	50.00
Florida	51.42	56.28
Georgia	58.03	62.23
Guam	50.00	[1] 50.00
Hawaii	50.00	50.00
Idaho	65.00	70.14
Illinois	50.00	50.00
Indiana	58.92	63.03
Iowa	58.47	62.62
Kansas	54.33	58.90
Kentucky	65.00	69.58
Louisiana	65.00	72.65
Maine	59.22	63.30
Maryland	50.00	50.00
Massachusetts	50.00	50.00
Michigan	52.05	56.84
Minnesota	50.00	54.27
Mississippi	65.00	78.58
Missouri	55.39	59.85
Montana	65.00	70.81
Nebraska	56.00	60.40
Nevada	50.00	50.00
New Hampshire	50.00	50.00
New Jersey	50.00	50.00
New Mexico	65.00	73.31
New York	50.00	50.00
North Carolina	60.79	64.71
North Dakota	65.00	68.73
Northern Mariana Islands	50.00	[1] 50.00
Ohio	56.32	60.69
Oklahoma	65.00	70.05
Oregon	58.18	62.36
Pennsylvania	50.00	54.27
Puerto Rico	50.00	[1] 50.00
Rhode Island	50.54	55.49
South Carolina	65.00	70.71
South Dakota	64.51	68.06
Tennessee	62.80	66.52
Texas	59.24	63.31
Utah	65.00	73.48
Vermont	56.47	60.82
Virgin Islands	50.00	[1] 50.00
Virginia	50.00	50.00
Washington	50.00	51.97
West Virginia	65.00	74.60
Wisconsin	55.35	59.81
Wyoming	58.75	62.87

[1] For purposes of section 1118 of the Social Security Act, the percentage used under titles I, X, XIV, and XVI and Part A of title IV will be 75 per centum.

[FR Doc. 93–30935 Filed 12–17–93; 8:45 am]

BILLING CODE 4150-04-M

Administration for Children and Families

[Program Announcement No. ACYF–HS]

Head Start Public and Indian Housing Child Care Demonstration Project; Grants Availability

AGENCY: Administration on Children, Youth and Families (ACYF), Administration for Children and Families (ACF).

ACTION: Announcement of supplemental financial assistance to Head Start grantees, Resident Management Corporations (RMCs) and Resident Councils (RCs) to increase the availability of child care services for residents of Public and Indian Housing developments. This announcement does not allow funds to be used for child care services in section 8 programs.

SUMMARY: The Head Start Bureau of the Administration on Children, Youth and Families announces that applications from Head Start grantees, RMCs and RCs will be accepted to establish or expand full-day or part-day child care services in or near Public or Indian housing developments so that the low-income parents or guardians of children residing in Public or Indian housing may seek, retain or train for employment.

DATES: The closing date for receipt of applications is February 18, 1994.

ADDRESSES: Submit applications to: Head Start/HUD Child Care Demonstration Project, Administration for Children and Families, Division of Discretionary Grants, 200 Independence Avenue SW., Hubert H. Humphrey Building, room 341F.2, Washington, DC 20201.

FOR FURTHER INFORMATION CONTACT: Madeline G. Dowling, P.O. Box 1182, Head Start Bureau, Washington, DC 20013, Telephone number: (202) 205–8549.

SUPPLEMENTARY INFORMATION:

Part I—General Information

A. Background

This announcement solicits applications from current Head Start grantees, RMCs and RCs operating programs in or near Public or Indian Housing developments that wish to compete for a portion of the $5,000,000 in grant funds that are available under the Department of Housing and Urban Development's Public Housing Child Care Demonstration Program. These funds are intended for the establishment or expansion of child care facilities located in or near Public or Indian Housing developments so that the low-income parents or guardians of infants, toddlers, preschool or school-aged children may seek, retain or train for employment.

B. Program Purpose

The Department of Housing and Urban Development (HUD) has transferred $5,000,000 to ACF, which will make grant awards to successful applicants. Head Start grantees may use these funds to: (1) Provide child care services, through a wrap-around arrangement, to Head Start children residing in a Public or Indian Housing development; and/or (2) provide full-day or part-day child care services to other children who reside in or near a Public or Indian housing development, including infants, toddlers, Head Start eligible and non-Head Start eligible preschool children, children who need before and/or afterschool care, and the siblings of Head Start enrollees. The Head Start grantee applicant shall provide child care services in a Head Start center located in or near a Public or Indian Housing development, or other center in or near a Public or Indian Housing development and/or a cluster of family child care homes in or near a Public or Indian Housing development.

The RCs/RMCs may use these funds to: (1) Provide child care services through a wrap-around arrangement to residents in a Public or Indian Housing development; and/or (2) provide child full-day or part-day child care services to children who reside in or near Public or Indian Housing development. The RC/RMC applicant shall provide full-day or part-day child care services in a center or a cluster of family child care homes in or near a Public or Indian Housing development. The applicant (Head Start grantee or RCs/RMCs) may establish a cooperative agreement, delegate agreement or contract with another private non-profit agency for the direct operation of some or all of this program. These agreements or draft contracts must be included with the application. The primary responsibility for the administration of the Federal grant, compliance with terms and conditions of the grant and oversight of the proper use of Federal funds will reside with the organizational entity that is the recipient of the Federal grant. All of these funds will be awarded through a competitive process to agencies that are currently Head Start grantees, RMCs or RCs. However, Head Start grantees will only compete against other Head Start grantees and RMCs/RCs will compete only against other RMCs/RCs.

Grants will be awarded for a period of 17 months. Recipients of these grant funds will be exempt from the Head Start requirement to match the grant award with 20% non-Federal funds.

Head Start grantees, RMCs or RCs may use these demonstration funds to initiate services or to expand current service hours in one or more centers or family day care homes in order to provide child care in or near Public or Indian housing developments. This announcement anticipates that a likely use of the grant funds will be to create or expand a child care facility in Public and Indian Housing developments or provide the opportunity for Head Start grantees to develop "wrap-around" child care services to children currently participating in part-day Head Start programs who reside in Public or Indian Housing developments. Wrap-around child care services means added hours and days of service provided to preschool children already enrolled in a Head Start program. In addition to providing extended child care service hours to enrolled Head Start children, funds from grants awarded under this announcement may be used to initiate child care services for other children who are residents of a Public or Indian Housing development, including infants, toddlers, Head Start eligible and non-Head Start eligible preschool children, children who need before and/or after-school care, and the siblings of Head Start children. These funds may also be used for the leasing of vehicles and to purchase or lease equipment and for minor renovations of child care facilities located in or near Public or Indian housing developments.

As current Head Start programs plan major expansions in enrollment, they should contact their local Public Housing Agency or Indian Housing Authority, RMC or RC which exist at the housing site to discuss ways in which Head Start might better serve residents of Public or Indian Housing developments. These could include applying for the child care demonstration funds to be awarded under this announcement and using these funds, along with Head Start expansion funds, to locate new child care centers, Head Start classrooms or family day care homes in or near Public or Indian Housing developments.

C. Definitions

Head Start

Head Start is a national program providing comprehensive developmental services primarily to preschool children of low-income families. To help enrolled preschool children achieve their full potential, Head Start programs provide comprehensive health, nutritional, educational, social and other services. In addition, Head Start programs are required to provide for the direct participation of parents of enrolled preschool children in the development, conduct, and direction of local programs. Head Start currently serves approximately 721,268 children through a network of 1,370 grantees.

Resident Councils and Resident Management Councils.

A portion of the Fiscal Year 1993, $5,000,000 is being made available on a competitive basis to Resident Councils and Resident Management Corporations (RC/RMC's). Applicants who meet the definitions and requirements of RC/RMC as apply and may be considered for funding under this program.

Definitions for Resident Management Corporation and Resident Councils are published in 24 CFR 964.7 (for Public Housing) and 24 CFR 905.355 (for Indian Housing).

D. Statutory Authority

42 U.S.C. 9801, *et seq.*—The Head Start Act, as amended

31 U.S.C. 1535—The Economy Act

Pub. L. 100–628, Sec. 1002—Stewart B. McKinney Homeless Assistance Act, sections as amended

Pub. L. 100–242, Sec. 117—Housing and Community Development Act of 1987, Public Housing Child Care Demonstration Program

Pub. L. 98–181, Sec. 222—The Housing and Urban Rural Recovery Act of 1983

E. Available Funds

This announcement solicits applications from Head Start grantees, RMCs or RCs that wish to apply for a portion of the $5,000,000 in grant funds that are available under HUD's Public Housing Child Care Demonstration Program through ACYF. Approximately $600,000 of these funds have been set aside for child care grants to RCs and RMCs under this announcement. The remainder of these funds, approximately $4,400,000 will be awarded to Head Start grantees. In addition, any grant funds remaining from the RC/RMC set aside will be awarded to the Head Start grantee applicants.

Within the framework of a competitive grant review process, consideration will be given to an equitable geographic distribution of the grants between urban, tribal and rural areas. The Departments of HUD and Health and Human Services (HHS) will ensure that at least several of these centers and/or family day care homes are located in rural and Tribal areas.

Individual grants awarded under this announcement shall not exceed $300,000 to ensure that funds are provided to as large a number of Head Start grantees, RMCs or RCs and as many Public and Indian Housing developments as possible. It should be noted that, while an applicant may apply for funds to establish or expand services in more than one center, no single center will be funded for more than $150,000 for the purpose of this demonstration project. The grants are intended to cover operating expenses and/or one-time minor renovation costs and will be funded for a period of 17 months.

F. Eligible Applicants

Applicants must be current Head Start grantees, RMCs or RCs that wish to locate facilities in or near Public or Indian housing developments by: (1) Establishing one or more full-day or part-day child care centers or family day care homes, or (2) expanding current part-day centers.

Applicants may not apply for funds to support services in sites that were funded through the FYs 1988, 1989 and 1990 Public Housing Child Care Demonstration Program and the 1991 and 1992 Head Start-HUD Child Care Demonstration Project.

Applicants must assure that, for child care services supported by this project, preference will be given to enrolling the children of those families residing in the Public or Indian Housing development who are employed, seeking employment and/or participating in training that will lead to employment and are in need of child care services. Applicants must demonstrate that a community needs assessment was recently conducted. The needs assessment must document sufficient numbers of eligible children for the proposed project period and subsequent two years and the needed hours of services for each category or categories of children to be served.

Head Start grantees, RMCs or RCs may decide to directly operate one or more full-day or part-day child care centers and/or family day care homes. Head Start grantees, RMCs or RCs may establish a cooperative agreement, delegate agreement or contract with another private non-profit agency for the direct operation of some or all of the programs. These agreements or draft contracts must be included with the application. If grantee funds are being subcontracted, a complete detailed budget should be attached to the agreement or contract.

RMCs and RCs must provide the following information to be used to determine basic eligibility. Name of RC/RMC, contact person and telephone number, street address, city, State and zip code; name of PHA/IHA, code, contract person and telephone number, street address, city, State and zip code; name of Housing Project, number of units (family units, elderly units); date of last Board Election, name of all Board members, their title, appointment date and appointment term; and answer the following questions "yes" or "no". Does the organization have block captains? Does the organization have operating committees? Is the organization incorporated?

Part II—Special Requirements

Current Head Start grantees, RMCs or RCs that are interested in expanding child care programs, or existing part-day service hours to a full-day program, and that operate programs in or near a Public or Indian Housing development, are encouraged to apply for these funds. Interested applicants must adhere to the following HHS/HUD requirements when developing a proposal:

(1) Head Start grantees must consult with the appropriate Public Housing Agency (PHA) or Indian Housing Authority (IHA) and, where it exists, the Resident Council/Resident Management Corporation (RC/RMC) as to the feasibility of initiating child care services in the housing development. Where RMCs/RCs exist, Head Start grantees shall consult and give full consideration to RMC/RC expressions of interest in becoming a delegate agency.

If the center or family day care home is to be located in a Public or Indian Housing development, the Head Start grantee, RMC or RC must reach an agreement with the PHA or IHA to provide, at nominal or no cost, suitable facilities to the Head Start grantee, RMC or RC for the provision of full-day or part-day child care services.

(2) The demonstration program should not propose to serve children of the same ages as those currently being served by an existing child care program in the targeted Public or Indian Housing development. This prohibition does not apply to those applicants who propose to extend the hours of child care services provided by a center already located in the development.

(3) Funds may only be used for operating expenses, leasing and/or purchase of equipment and/or leasing vehicles and the minor renovations of centers or family day care homes necessary to provide full-day or part-day child care services and parent involvement.

(a) Operating expenses include planning and development costs, administration, leasing and/or the purchase of equipment and/or leasing vehicles, maintenance, minor or routine repairs, security, utilities, furnishings, equipment and supplies (including curriculum), insurance, staff salaries, etc. Nutritional services funds may be budgeted for start-up until the proper funding from the Child and Adult Food Program 7 CFR Part 226 begins. If grant funds are to be used for operating expenses for a full-day or part-day child care center or family day care home, applications must explain how operating expenses will continue to be funded on an ongoing basis after the conclusion of the demonstration.

(b) Minor renovations include the reconfiguration of space; installation of bathrooms or kitchens; renovations necessary to achieve compliance with physical accessibility standards for the disabled or required to meet State, Tribal or local licensing and building code standards; landscaping; painting; and lighting. Minor renovation does not include the cost associated with lead-based paint abatement since removal of lead-based paint is funded through another HUD program. Funds may not be used for new construction of a facility.

(4) Applicants may consider generating income from the child care services provided from funds awarded under this announcement by charging families reasonable fees for services not provided under the Head Start program. These fees may be based on a sliding fee scale that corresponds to Federal, State, or local fee schedules and the parent's income.

(5) The full-day or part-day child care services program must:

(a) Hire staff who have received appropriate training or have experience in early childhood education and, to the extent practicable, provide opportunities for the employment of residents from the Public or Indian housing development area, especially elderly residents;

(b) Involve the parents of children benefiting from such program, to the extent practicable, as volunteers in the classroom; and,

(c) Comply with all applicable State, tribal and local laws, regulations, licensing, and ordinances.

Part III—Specific Responsibilities of the Applicant

When submitting a proposal under this announcement, applicants should:

(1) Demonstrate that there is a need for assistance. All applicants must clearly document the need for providing child care services for infants, toddlers or preschool children and/or part-day child care services for school-aged children who reside in a Public or Indian housing development. The application should demonstrate how the child care services will assist the parents or guardians of these children to seek, retain or train for employment.

(2) Indicate how they will identify families and children who are in need of child care services in the Public or Indian housing development.

(3) Identify by name and address which Public or Indian housing development the applicant is proposing to serve. The age group and the number of children in each age group proposed for full-day or part-day child care must be clearly specified. The application should also explain how priority will be given to serving children residing in the development.

(4) Demonstrate how the Public or Indian housing community will benefit from the child care services provided. The application should also describe what measures will be taken to ensure the health and safety of the children and staff participating in the demonstration effort.

(5) Demonstrate the collaborative effort existing between the applicant (the Head Start grantee, the RC or the RMC) and the parents, service agency providers and other community members in the development and planning of the application. The applicant should discuss the extent to which residents participated in the design of the activities proposed to be funded.

(6) Demonstrate that the RMC, RC or Head Start grantee has the ability and experience to administer child care program.

(7) Explain how the new child care services will be implemented in a timely and efficient manner. This includes explaining how eligible children and families will be recruited

and assuring that the available classroom space or family day care home meets required licensing standards. Explain the process by which the child care center or family day care home will become operational within a reasonable period of time during the demonstration phase.

(8) Demonstrate contractual arrangements made with other non-profit organizations and local Public or Indian housing authorities or supportive service agencies which will assist the applicant in providing quality child care services. If the proposed child care facility is located on the site of the housing development, the application must contain a signed statement from the local PHA/IHA which commits for the facility space and/or renovation funds to the establishment/expansion of that child care facility. If the applicant is a Head Start grantee which has an arrangement with a RMC/RC, the Head Start grantee must provide a letter of understanding from the RMC/RC which verifies and defines the RMC/RC participation in this demonstration effort. The RMC/RC applicant is encouraged to work with the local Head Start grantee in designing its proposed child care program.

(9) Demonstrate how qualified staff (who have received appropriate training or have experience in early childhood education) will be hired and, to the extent practicable, provide opportunities for the employment of residents from the Public or Indian housing development, especially elderly residents.

(10) Provide a reasonable staffing pattern and identify all proposed staff, their proposed salary rates and the periods for which they will be employed.

(11) Explain how quality child care services will continue to be provided at a reasonable cost at the end of the demonstration period.

(12) Explain what other resources in the community will help support the proposed child care program, including letters of commitment. The application must describe the extent to which funds, staff or in-kind services and other sources in the local community, especially local businesses, have been committed to the demonstration effort during the implementation stages and at the end of the initial funding period.

(13) Applicants must provide a project summary of the demonstration not to exceed one page including the goals, objectives, number and ages of the children, location and type of child care.

Part IV—Criteria for Review and Evaluation of the Grant Application

The following are the criteria for the review and evaluation of grant applications which the Departments of HHS and HUD will use in selecting Head Start grantees, RCs, and RMCs for participation in this HHS/HUD demonstration project.

1. *Objectives and Need for Assistance* (20 points)

The extent to which the application pinpoints any relevant physical, economic, social, financial, institutional, or other problems requiring a grant; demonstrates the need for assistance; states the principal and subordinate objectives of the project; and provides supporting documentation or other testimonies from concerned interests other than the applicant.

Information provided in response to Part II, (2) and Part III, (1), (2) and (13) of this announcement will be used to review and evaluate applicants on the above criterion.

2. *Results or Benefits Expected* (15 points)

The extent to which the application identifies results and benefits to be derived and describes the anticipated contribution to policy, practice, theory and/or research.

Information provided in response to Part II, 5 (a) and (b) and Part III, (4) will be used to review and evaluate applicants on the above criterion.

3. *Approach* (35 points)

The extent to which the application outlines an acceptable plan of action pertaining to the scope of the project; details how the proposed work will be accomplished and lists each organization, consultant, and other key individuals who will work on the project, along with resumes and a short description of their responsibilities or contribution to the applicant's work plan; and details a plan for employing residents of the applicant's proposed service area.

Cooperative Agreements (5 points)

Head Start: Five of the 35 points available under this criterion will be assigned to those applicants who are Head Start grantees which have documented that a subgrant or delegate agency contract (or draft contract) exists or will exist with a RMC, RC, PHA or IHA for the purposes of this demonstration effort.

HUD–RMCs/RCs: Five of the 35 points available under this criterion will be assigned to those applicants who are RMCs or RCs which have documented that a cooperative arrangement exists or will exist with a Head Start grantee for the purposes of this demonstration effort.

All applicants who propose establishing or expanding a child care facility within a housing development must demonstrate that the local PHA/IHA is committed to providing the applicant the necessary space and/or renovation funds for the proposed child care site.

Applicants who are Head Start grantees which have an arrangement with a RMC/RC should describe the extent of the involvement of the RC/RMC in the program design and implementation of the proposed child care services. Applicants who are RMCs/RCs seeking to establish full-day child care services within the housing development are encouraged to work with the local Head Start grantee in designing the proposed program and during the initial implementation of the RMC/RC child care project. Each application for funding must include a plan for addressing the problem of child care in or near the Public or Indian Housing development which includes initiatives that can be sustained after the demonstration phase.

Information provided in response to Part II, (5)(c) and Part III, (3)(a), (5), (6), (7), (8), (9), (10), (11), and (12) of this announcement will be used to review and evaluate applicants on the above criterion.

4. *Geographic Location* (5 points)

The extent to which the application gives a precise location of the project and area to be served by the proposed project and describes the families to be served.

Information provided in response to Part II, (1) and Part III, (3) of this announcement will be used to review and evaluate applicants on the above criterion.

5. *Budget Appropriateness and Reasonableness* (25 points)

The extent to which the project's costs are reasonable in view of the activities to be carried out and the anticipated outcomes.

Ten of the 25 points available under this criterion will be assigned based on the extent to which the applicant provides assurances or firm commitments from community sources to continue the project funding beyond the demonstration phase.

The extent to which the applicant's strategy is realistic, given the amount of funding requested in relation to the overall strategy, and the quarterly timetable indicated by the applicant for beginning and completing each component of the strategy; the extent to which the applicant provides a line-item budget for each category of expenses to implement its strategy and describes the financial and other resources (as applied for under this Announcement and from other sources) that may be reasonably expected to be available to carry out the program; and the extent to which the applicant describes how child care services will be coordinated and complemented by current supportive services.

Each applicant must set aside a realistic amount in its budget (up to $1,500) for travel to Washington, D.C. for one person to participate in a national child care conference to be held for three days sometime during the 17-month duration of the demonstration project.

Information provided in response to Part II, (1), (3)(a), (3)(b), 4, and Part III, (3), (11), and (12) of this announcement will be used to review and evaluate applicants in the above criterion.

Part V—Application Process

A. Availability of Forms

Eligible applicants interested in applying for funds must submit all of the required forms included at the end of this Announcement.

In order to be considered for a grant under this Announcement, an application must be submitted on the Standard Form 424 which has been approved by the Office of Management and Budget (OMB) under Control Number 0348–0043. A copy has been provided (see Appendix B). Each application must be signed by an individual authorized to act for the applicant and to assume responsibility for the obligations imposed by the terms and conditions of the grant award. Appendix C contains certification forms regarding drug free work place, debarment, and lobbying. Only the certification regarding lobbying must be signed and returned with the application. Applications must be prepared in accordance with the guidance provided in this Announcement.

B. Application Submission

One signed original and two copies of the grant application, including all attachments, are required. The program announcement number (ACYF–HS____) must be clearly identified on the application. Each application must be limited to no more than 50 double-spaced pages of program narrative (not including the forms which make up the SF–424 and resumes) including the one-page project summary and, for RCs/RMCs, the eligibility information specified in Part III, (13). If the application is more that 50 double-spaced pages the other pages will be removed from the application and not considered by the reviewer.

The application must be paginated beginning with the Form 424 and also contain a table of contents listing each section of the application with the respective pages identified. Only one application per applicant will be accepted.

C. Application Consideration

Applicants will be scored against the evaluation criteria described above. The review will be conducted in Washington, DC. Reviewers will be selected from lists of Public and Indian housing specialists, including national organizations such as the National Association of Housing and Redevelopment and Housing Officials (NAHRO), Council of Large Public Housing Agencies (CLPHA), National American Indian Housing Council (NAIHC), National Association of Resident Management Corporations (NARMC), and Public Housing Agency Directors Association (PHADA). Additionally, reviewers will be persons knowledgeable about child care, the Head Start program and early childhood education and development, Federal staff, and other experts such as university staff or staff of child development projects.

Applicants which are Head Start grantees will compete only against other Head Start grantees while applicants which are RCs/RMCs will compete only against other RCs/RMCs. Discrete funds have been set aside for each of the two areas of competition.

The results of the competitive review will be taken into consideration by the Associate Commissioner, Head Start Bureau, and the Assistant Secretary, Office of Public and Indian Housing, who, in consultation with ACYF and HUD Regional officials, will recommend projects to be funded. The Commissioner of ACYF will make the final selection of the applicants to be funded. Applications may be funded in whole or in part depending on the relative need for services, applicant ranking, geographic location and funds available.

The Commissioner may elect not to fund Head Start grantees who are in high risk status as of the closing date of this Announcement or those applicants that have management, fiscal, or other problems and situations which make it unlikely that they would be able to provide effective full-day child care services. The Commissioner may also elect not to provide funding to applicants experiencing problems in providing quality services. Projects in tribal, rural and urban areas will be selected.

Successful applicants will be notified through the issuance of a Financial Assistance Award which sets forth the amount of funds granted, the terms and conditions of the grant, the effective date of the grant, the budget period for which support is given, and the total project period for which support is provided.

D. Checklist for a Complete Application

The checklist below is for your use to ensure that your application package has been properly prepared.

—One original, signed and dated application plus two copies.
—Application is from a current Head Start Grantee or current RMC or RC.
—Application length does not exceed 50 double-spaced pages
—A complete application consists of the following items in this order:
—Application for Federal Assistance (SF 424, REV.4–88);
—Narrative;
—Resumes;
—A completed SPOC certification with the date of SPOC contact entered in line 16, page 1 of the SF 424, REV.4–88);
—Budget Information—Non-Construction Programs (SF 424A REV.88);
—Budget justification for Section B—Budget Categories; including subcontract/delegate agency budgets
—Table of Contents;
—Letter from the Internal Revenue Service to prove non-profit status (for RMC/RC);
—Project Summary (not to exceed one page);
—Organization/eligibility information (RMC/RC);
—Assurances—Non-Construction Programs;
—Certification Regarding Lobbying;
—RC/RMC eligibility information specified in Part III (13).
—Copies of contracts/delegate or cooperative agreements.

E. Receipt of Applications

1. Deadlines

Applications shall be considered as meeting the deadline if they are either:

a. Received on or before the deadline date at the ACF Division of Discretionary Grants (DDG), or

b. Sent on or before the deadline date and received by the granting agency in time for them to be considered during the competitive review and evaluation process under Chapter 1–62 of the Health and Human Services Grants Administration Manual.

(Applicants are cautioned to request a legibly dated U.S. Postal Service postmark or to obtain a legibly dated receipt from a commercial carrier or the U.S. Postal Service. Private metered postmarks are not acceptable as proof of timely mailing.)

2. Applications Submitted by Other Means

Applications which are not submitted in accordance with the above criteria shall be considered as meeting the deadline only if they are physically received before close of business on or before the deadline date. Hand delivered applications will be accepted at the ACF Division of Discretionary Grants during the normal working hours of 8:30 a.m. to 5 p.m., Monday through Friday. Submit applications to: Head Start/HUD Child Care Demonstration Project, Administration for Children and Families, Division of Discretionary Grants, 200 Independence Avenue, SW., Hubert H. Humphrey Building, Room 341 F. 2, Washington, DC. 20201.

3. Late Applications

Applications which do not meet one of these criteria are considered as late applications. The Head Start Bureau will notify each late applicant that its application will not be considered.

4. Extension of Deadline

The Head Start Bureau may extend the deadline for all applicants because of Acts of God such as floods, hurricanes, etc., or when there is a widespread disruption of the mails. However, if the Head Start Bureau does not extend the deadline for all applicants, it may not waive or extend the deadline for any applicant.

E. Paperwork Reduction Act of 1980

Under the Paperwork Reduction Act of 1980, Public Law 96–511, the Department is required to submit to OMB for review and approval any reporting and record keeping requirements in regulations, including program announcements. This program announcement does not contain information collection requirements beyond those approved for ACF grant applications under OMB Control Number 0348–0043.

F. Executive Order 12372—Notification Process

This program is covered under Executive Order 12372, "Intergovernmental Review of Federal Programs," and 45 CFR Part 100, "Intergovernmental Review of Department of Health and Human Services Programs and Activities." Under Executive Order 12372, States may design their own processes for reviewing and commenting on proposed Federal assistance under covered programs. All States and territories except Alaska, Hawaii, Idaho, Kansas, Louisiana, Minnesota, Montana, Nebraska, Oregon, Pennsylvania, Virginia, Washington, American Samoa, and Palau have elected to participate in the Executive Order process and have established Single Points of Contact (SPOCs).

Applicants from these sixteen areas need take no action regarding Executive Order 12372. Applications for projects to be administered by Federally-recognized Indian Tribes are exempt from the requirements of Executive Order 12372. Otherwise, applicants should contact their SPOC as soon as possible to alert them to the prospective application and to receive any necessary instructions. Applicants must submit any required material to the SPOC as early as possible so that the program office can obtain and review SPOC comments as part of the award process. It is imperative that the applicant submit all required materials, if any, to the SPOC and indicate the date of this submittal (or date of contact if no submittal is required) on the SF 424, item 16.

SPOCs have 60 days from the application deadline date to comment on applications submitted under this announcement. The comment period for State processes will end on April 19, 1994, to allow time for ACF to review, consider, and attempt to accommodate SPOC input. SPOCs are encouraged to eliminate the submission of routine endorsements as official recommendations. Additionally, SPOCs are requested to clearly differentiate between mere advisory comments and those official State process recommendations which they intend to trigger the "accommodate or explain" rule.

When comments are submitted directly to ACF, they should be addressed to: Department of Health and Human Services, Administration for Children and Families, Division of Discretionary Grants, 200 Independence Avenue, SW., room 341F.2, Hubert H. Humphrey Building, Washington, DC 20201. ACF will notify the State of any application received which has no indication that the State process has had an opportunity for review.

A list of SPOCs for each State and territory is included at Appendix A at the end of this announcement.

G. Effective Date

It is anticipated that successful applications shall be funded no later than 180 days after publication of this announcement.

(Catalog of Federal Domestic Assistance Program Number 93.600, Project Head Start)

Dated: November 29, 1993.

Joseph A. Mottola,

Acting Commissioner, Administration on Children, Youth and Families.

BILLING CODE 4184-01-P

OMB Approval No. 0348-0043

APPLICATION FOR FEDERAL ASSISTANCE

2. DATE SUBMITTED

Applicant Identifier

1. TYPE OF SUBMISSION:

Application
- ☐ Construction
- ☐ Non-Construction

Preapplication
- ☐ Construction
- ☐ Non-Construction

3. DATE RECEIVED BY STATE

State Application Identifier

4. DATE RECEIVED BY FEDERAL AGENCY

Federal Identifier

5. APPLICANT INFORMATION

Legal Name:

Organizational Unit:

Address (*give city, county, state, and zip code*):

Name and telephone number of the person to be contacted on matters involving this application (*give area code*)

6. EMPLOYER IDENTIFICATION NUMBER (EIN): ☐☐ — ☐☐☐☐☐☐☐

7. TYPE OF APPLICANT: (*enter appropriate letter in box*) ☐

A. State
B. County
C. Municipal
D. Township
E. Interstate
F. Intermunicipal
G. Special District
H. Independent School Dist.
I. State Controlled Institution of Higher Learning
J. Private University
K. Indian Tribe
L. Individual
M. Profit Organization
N. Other (Specify): ____________

8. TYPE OF APPLICATION:

☐ New ☐ Continuation ☐ Revision

If Revision, enter appropriate letter(s) in box(es): ☐ ☐

A. Increase Award B. Decrease Award C. Increase Duration
D. Decrease Duration Other (*specify*):

____

9. NAME OF FEDERAL AGENCY:

10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER: ☐☐-☐☐☐

TITLE:

11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT:

12. AREAS AFFECTED BY PROJECT (*cities, counties, states, etc.*):

13. PROPOSED PROJECT:

Start Date	Ending Date

14. CONGRESSIONAL DISTRICTS OF:

a. Applicant	b. Project

15. ESTIMATED FUNDING:

a. Federal	$	.00
b. Applicant	$	.00
c. State	$	.00
d. Local	$	.00
e. Other	$	.00
f. Program Income	$	.00
g. TOTAL	$	.00

16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS?

a. YES. THIS PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON:

DATE ____________

b. NO. ☐ PROGRAM IS NOT COVERED BY E.O. 12372

☐ OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW

17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT?

☐ Yes If "Yes," attach an explanation. ☐ No

18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION/PREAPPLICATION ARE TRUE AND CORRECT, THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS AWARDED

a. Typed Name of Authorized Representative	b. Title	c. Telephone number
d. Signature of Authorized Representative		e. Date Signed

Previous Editions Not Usable

Standard Form 424 (REV 4-88)
Prescribed by OMB Circular A-102

Authorized for Local Reproduction

BILLING CODE 4184-01-C

Instructions for the SF 424

This is a standard form used by applicants as a required facesheet for preapplications and applications submitted for Federal assistance. It will be used by Federal agencies to obtain applicant certification that States which have established a review and comment procedure in response to Executive Order 12372 and have selected the program to be included in their process, have been given an opportunity to review the applicant's submission.

Item and Entry

1. Self-explanatory.
2. Date application submitted to Federal agency (or State if applicable) & applicant's control number (if applicable).
3. State use only (if applicable).
4. If this application is to continue or revise an existing award, enter present Federal identifier number. If for a new project, leave blank.
5. Legal name of applicant, name of primary organizational unit which will undertake the assistance activity, complete address of the applicant, and name and telephone number of the person to contact on matters related to this application.
6. Enter Employer Identification Number (EIN) as assigned by the Internal Revenue Service.
7. Enter the appropriate letter in the space provided.
8. Check appropriate box and enter appropriate letter(s) in the space(s) provided:
—"New" means a new assistance award.
—"Continuation" means an extension for an additional funding/budget period for a project with a projected completion date.
—"Revision" means any change in the Federal Government's financial obligation or contingent liability from an existing obligation.
9. Name of Federal agency from which assistance is being requested with this application.
10. Use the Catalog of Federal Domestic Assistance number and title of the program under which assistance is requested.
11. Enter a brief descriptive title of the project. If more than one program is involved, you should append an explanation on a separate sheet. If appropriate (e.g., construction or real property projects), attach a map showing project location. For preapplications, use a separate sheet to provide a summary description of this project.
12. List only the largest political entities affected (e.g., State, counties, cities).
13. Self-explanatory.
14. List the applicant's Congressional District and any District(s) affected by the program or project.
15. Amount requested or to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions should be included on appropriate lines as applicable. If the action will result in a dollar change to an existing award, indicate *only* the amount of the change. For decreases, enclose the amounts in parentheses. If both basic and supplemental amounts are included, show breakdown on an attached sheet. For multiple program funding, use totals and show breakdown using same categories as item 15.
16. Applicants should contact the State Single Point of Contact (SPOC) for Federal Executive Order 12372 to determine whether the application is subject to the State intergovernmental review process.
17. This question applies to the applicant organization, not the person who signs as the authorized representative. Categories of debt include delinquent audit disallowances, loans and taxes.
18. To be signed by the authorized representative of the applicant. A copy of the governing body's authorization for you to sign this application as official representative must be on file in the applicant's office. (Certain Federal agencies may require that this authorization be submitted as part of the application.)

BILLING CODE 4184-01-P

OMB Approval No. 0348-0044

BUDGET INFORMATION — Non-Construction Programs

SECTION A – BUDGET SUMMARY

Grant Program Function or Activity (a)	Catalog of Federal Domestic Assistance Number (b)	Estimated Unobligated Funds		New or Revised Budget		
		Federal (c)	Non-Federal (d)	Federal (e)	Non-Federal (f)	Total (g)
1.		$	$	$	$	$
2.						
3.						
4.						
5. TOTALS		$	$	$	$	$

SECTION B – BUDGET CATEGORIES

6 Object Class Categories	GRANT PROGRAM, FUNCTION OR ACTIVITY				Total (5)
	(1)	(2)	(3)	(4)	
a. Personnel	$	$	$	$	$
b. Fringe Benefits					
c. Travel					
d. Equipment					
e. Supplies					
f. Contractual					
g. Construction					
h. Other					
i. Total Direct Charges (sum of 6a - 6h)					
j. Indirect Charges					
k. TOTALS (sum of 6i and 6j)	$	$	$	$	$
7. Program Income	$	$	$	$	$

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Standard Form 424A (4-88)
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SECTION C - NON-FEDERAL RESOURCES

(a) Grant Program	(b) Applicant	(c) State	(d) Other Sources	(e) TOTALS
8.	$	$	$	$
9.				
10.				
11.				
12. TOTALS (sum of lines 8 and 11)	$	$	$	$

SECTION D - FORECASTED CASH NEEDS

	Total for 1st Year	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
13. Federal	$	$	$	$	$
14. NonFederal					
15. TOTAL (sum of lines 13 and 14)	$	$	$	$	$

SECTION E - BUDGET ESTIMATES OF FEDERAL FUNDS NEEDED FOR BALANCE OF THE PROJECT

(a) Grant Program	FUTURE FUNDING PERIODS (Years)			
	(b) First	(c) Second	(d) Third	(e) Fourth
16.	$	$	$	$
17.				
18.				
19.				
20. TOTALS (sum of lines 16 - 19)	$	$	$	$

SECTION F - OTHER BUDGET INFORMATION

(Attach additional Sheets if Necessary)

21. Direct Charges:	22. Indirect Charges:
23. Remarks	

SF 424A (4-88) Page 2
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Instructions for the SF-424A

General Instructions

This form is designed so that application can be made for funds from one or more grant programs. In preparing the budget, adhere to any existing Federal grantor agency guidelines which prescribe how and whether budgeted amounts should be separately shown for different functions or activities within the program. For some programs, grantor agencies may require budgets to be separately shown by function or activity. For other programs, grantor agencies may require a breakdown by function or activity. Sections A, B, C, and D should include budget estimates for the whole project except when applying for assistance which requires Federal authorization in annual or other funding period increments. In the latter case, Sections A, B, C, and D should provide the budget for the first budget period (usually a year) and Section E should present the need for Federal assistance in the subsequent budget periods. All applications should contain a breakdown by the object class categories shown in Lines a–k of Section B.

Section A. Budget Summary

Lines 1–4, Columns (a) and (b). For applications pertaining to a *single* Federal grant program (Federal Domestic Assistance Catalog number) and *not requiring* a functional or activity breakdown, enter on Line 1 under Column (a) the catalog program title and the catalog number in Column (b).

For applications pertaining to a *single* program *requiring* budget amounts by multiple functions or activities, enter the name of each activity or function on each line in Column (a), and enter the catalog number in Column (b). For applications pertaining to multiple programs where none of the programs require a breakdown by function or activity, enter the catalog program title on each line in *Column* (a) and the respective catalog number on each line in Column (b).

For applications pertaining to *multiple* programs where one or more programs *require* a breakdown by function or activity, prepare a separate sheet for each program requiring the breakdown. Additional sheets should be used when one form does not provide adequate space for all breakdown of data required. However, when more than one sheet is used, the first page should provide the summary totals by programs.

Lines 1–4, Columns (c) Through (g). For new applications, leave Columns (c) and (d) blank. For each line entry in Columns (a) and (b), enter in Columns (e), (f), and (g) the appropriate amounts of funds needed to support the project for the first funding period (usually a year).

For continuing grant program applications, submit these forms before the end of each funding period as required by the grantor agency. Enter in Columns (c) and (d) the estimated amounts of funds which will remain unobligated at the end of the grant funding period only if the Federal grantor agency instructions provide for this. Otherwise, leave these columns blank. Enter in columns (e) and (f) the amounts of funds needed for the upcoming period. The amount(s) in Column (g) should be the sum of amounts in Columns (e) and (f).

For supplemental grants and changes to existing grants, do not use Columns (c) and (d). Enter in Column (e) the amount of the increase or decrease of Federal funds and enter in Column (f) the amount of the increase or decrease of non-Federal funds. In Column (g) enter the new total budgeted amount (Federal and non-Federal) which includes the total previous authorized budgeted amounts plus or minus, as appropriate, the amounts shown in Columns (e) and (f). The amount(s) in Column (g) should not equal the sum of amounts in Columns (e) and (f).

Line 5—Show the totals for all columns used.

Section B. Budget Categories

In the column headings (1) through (4), enter the titles of the same programs, functions, and activities shown on Lines 1–4, Column (a), Section A. When additional sheets are prepared for Section A, provide similar column hearings on each sheet. For each program, function or activity, fill in the total requirements for funds (both Federal and non-Federal) by object class categories.

Lines 6a–i—Show the totals of Lines 6a to 6h in each column.

Line 6j—Show the amount of indirect cost.

Line 6k—Enter the total of amounts on Lines 6i and 6j. For all applications for new grants and continuation grants the total amount in column (5), Line 6k, should be the same as the total amount shown in Section A, Column (g), Line 5. For supplemental grants and changes to grants, the total amount of the increase or decrease as shown in Columns (1)–(4), Line 6k should be the same as the sum of the amounts in Section A, Columns (e) and (f) on Line 5.

Line 7—Enter the estimated amount of income, if any, expected to be generated from this project. Do not add or subtract this amount from the total project amount. Show under the program narrative statement the nature and source of income. The estimated amount of program income may be considered by the federal grantor agency in determining the total amount of the grant.

Section C. Non-Federal Resources

Lines 8–11—Enter amounts of non-Federal resources that will be used on the grant. If in-kind contributions are included, provide a brief explanation on a separate sheet.

Column (a)—Enter the program titles identical to Column (a), Section A. A breakdown by function or activity is not necessary.

Column (b)—Enter the contribution to be made by the applicant.

Column (c)—Enter the amount of the State's cash and in-kind contribution if the applicant is not a State or State agency. Applicants which are a State or State agencies should leave this column blank.

Column (d)—Enter the amount of cash and in-kind contributions to be made from all other sources.

Column (e)—Enter totals of Columns (b), (c), and (d).

Line 12—Enter the total for each of Columns (b)–(e). The amount in Column (e) should be equal to the amount on Line 5, Column (f), Section A.

Section D. Forecasted Cash Needs

Line 13—Enter the amount of cash needed by quarter from the grantor agency during the first year.

Line 14—Enter the amount of cash from all other sources needed by quarter during the first year.

Line 15—Enter the totals of amounts on Lines 13 and 14.

Section E. Budget Estimates of Federal Funds Needed for Balance of the Project

Lines 16–19—Enter in Column (a) the same grant program titles shown in Column (a), Section A. A breakdown by function or activity is not necessary. For new applications and continuation grant applications, enter in the proper columns amounts of Federal funds which will be needed to complete the program or project over the succeeding funding periods (usually in years). This section need not be completed for revisions (amendments, changes, or supplements) to funds for the current year of existing grants.

If more than four lines are needed to list the program titles, submit additional schedules as necessary.

Line 20—Enter the total for each of the Columns (b)–(e). When additional schedules are prepared for this Section, annotate accordingly and show the overall totals on this line.

Section F. Other Budget Information

Line 21—Use this space to explain amounts for individual direct object-class cost categories that may appear to be out of the ordinary or to explain the details as required by the Federal grantor agency.

Line 22—Enter the type of indirect rate (provisional, predetermined, final or fixed) that will be in effect during the funding period, the estimated amount of the base to which the rate is applied, and the total indirect expense.

Line 23—Provide any other explanations or comments deemed necessary.

ASSURANCES—NON-CONSTRUCTION PROGRAMS

Note: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant I certify that the applicant:

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of the project described in this application.

2. Will give the awarding agency, the Comptroller General of the United States, and if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.

3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.

4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.

5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§ 4728–4763) relating to prescribed standards for merit systems for programs funded under one of the nineteen statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).

6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88–352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§ 1681–1683, and 1685–1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101–6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92–255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91–616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§ 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290 dd–3 and 290 ee–3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. § 3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.

7. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91–646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.

8. Will comply with the provisions of the Hatch Act (5 U.S.C. §§ 1501–1508 and 7324–7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

9. Will comply, as applicable, with the provisions of the Davis—Bacon Act (40 U.S.C. §§ 276a to 276a–7), the Copeland Act (40 U.S.C. § 276c and 18 U.S.C. § 874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§ 327–333), regarding labor standards for federally assisted construction subagreements.

10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93–234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is $10,000 or more.

11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) Institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91–190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§ 1451 et seq.); (f) conformity of Federal actions to State (Clear Air) Implementation Plans under Section 176(c) of the Clear Air Act of 1955, as amended (42 U.S.C. § 7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93–523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended, (P.L. 93–205).

12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§ 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.

13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. 469a–1 et seq.).

14. Will comply with P.L. 93–348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.

15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89–544, as amended, 7 U.S.C. 2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held

for research, teaching, or other activities supported by this award of assistance.

16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§ 4801 et seq.) which prohibits the use of lead based paint in construction or rehabilitation of residence structures.

17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act of 1984.

18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations and policies governing this program.

Signature of Authorized Certifying Official
Title

Applicant Organization
Date submitted

State Single Points of Contact

Arizona

Mrs. Janice Dunn, Arizona State Clearinghouse, 3800 N. Central Avenue, Fourteenth Floor, Phoenix Arizona 85012, Telephone (602) 280–1315

Arkansas

Ms. Tracie L. Copeland, Manager, State Clearinghouse, Office of Intergovernmental Service, Department of Finance and Administration, P.O. Box 3278, Little Rock, Arkansas 72203, Telephone (501) 682–1074

California

Glenn Stober, Grants Coordinator, Office of Planning and Research, 1400 Tenth Street, Sacramento, California 95814, Telephone (916) 323–7480

Colorado

State Single Point of Contact, State Clearinghouse, Division of Local Government, 1313 Sherman Street, Room 520, Denver, Colorado 80203 Telephone (303) 866–2156

Delaware

Ms. Francine Booth, State Single Point of Contact, Executive Department, Thomas Collins Building, Dover, Delaware 19903, Telephone (302) 736–3326

District of Columbia

Mr. Rodney T. Hallman, State Single Point of Contact, Office of Grants Mgmt and Development, 717 14th Street NW., Suite 500, Washington, DC 20005, Telephone (202) 727–6551

Florida

Florida State Clearinghouse, Intergovernmental Affairs Policy Unit, Executive Office of the Governor, Office of Planning and Budgeting, The Capitol, Tallahassee, Florida 32399–0001, Telephone (904) 488–8114

Georgia

Mr. Charles H. Badger, Administrator, Georgia State Clearinghouse, 254 Washington Street SW., Room 534A, Atlanta, Georgia 30334, Telephone (404) 656–3855

Illinois

Mr. Steve Klokkenga, State Single Point of Contact, Office of the Governor, 107 Stratton Building, Springfield, Illinois 62706, Telephone (217) 782–1671

Indiana

Ms. Jean S. Blackwell, Budget Director, State Budget Agency, 212 State House, Indianapolis, Indiana 46204, Telephone (317) 232–5610

Iowa

Mr. Steven R. McCann, Division of Community Progress, Iowa Department of Economic Development, 200 East Grand Avenue, Des Moines, Iowa 50309, Telephone (515) 281–3725

Kentucky

Mr. Ronald W. Cook, Office of the Governor, Department of Local Government, 1024 Capitol Center Drive, Frankfort, Kentucky 40601, Telephone (502) 564–2382

Maine

Ms. Joyce Benson, State Planning Office, State House Station #38, Augusta, Maine 04333, Telephone (207) 289–3261

Maryland

Ms. Mary Abrams, Chief, Maryland State Clearinghouse, Department of State Planning, 301 West Preston Street, Baltimore, Maryland 21201–2365, Telephone (301) 225–4490

Massachusetts

Ms. Karen Arone, State Clearinghouse, Executive Office of Communities and Development, 100 Cambridge Street, Room 1803, Boston, Massachusetts 02202, Telephone (617) 727–7001

Michigan

Mr. Richard S. Pastula, Director, Michigan Department of Commerce, Office of Federal Grants, P.O. Box 30225, Lansing, Michigan 48909, Telephone (517) 373–7356

Mississippi

Ms. Cathy Mallette, Clearinghouse Officer, Office of Federal Grant Management and Reporting, Department of Finance and Administration, 301 West Pearl Street, Jackson, Mississippi 39203, Telephone (601) 949–2174

Missouri

Ms. Lois Pohl, Federal Assistance Clearinghouse, Office of Administration, P.O. Box 809, Room 430, Truman Building, Jefferson City, Missouri 65102, Telephone (314) 751–4834

Nevada

Department of Administration, State Clearinghouse, Capitol Complex, Carson City, Nevada 89710, Attn: Mr. Ron Sparks, Clearinghouse Coordinator, Telephone (702) 687–4065

New Hampshire

Mr. Jeffery H. Taylor, Director, New Hampshire Office of State Planning, Attn: Intergovernmental Review Process, James E. Bieber, 2½ Beacon Street, Concord, New Hampshire 03301, Telephone (603) 271–2155

New Jersey

Mr. Gregory W. Adkins, Acting Director, Division of Community Resources, New Jersey Department of Community Affairs

Please direct correspondence and questions to: Andrew J. Jaskolka, State Review Process, Division of Community Resources, CN 814, Room 609, Trenton, New Jersey 08625–0814, Telephone (609) 292–9025

New Mexico

Mr. George Elliott, Deputy Director, State Budget Division, Room 190, Bataan Memorial Building, Santa Fe, New Mexico 87503, Telephone (505) 827–3640, FAX (505) 827–3006

New York

New York State Clearinghouse, Division of the Budget, State Capitol, Albany, New York 12224, Telephone (518) 474–1605

North Carolina

Mrs. Chrys Baggett, Director, Office of the Secretary of Admin., N.C. State Clearinghouse, 116 W. Jones Street, Raleigh, North Carolina 27603–8003, Telephone (919) 733–7232

North Dakota

North Dakota Single Point of Contact, Office of Intergovernmental Assistance, Office of Management and Budget, 600 East Boulevard Avenue, Bismarck, North Dakota 58505–0170, Telephone (701) 224–2094

Ohio

Mr. Larry Weaver, State Single Point of Contact, State/Federal Funds Coordinator, State Clearinghouse, Office of Budget and Management, 30 East Broad Street, 34th Floor, Columbus, Ohio 43266–0411, Telephone (614) 466–0698

Rhode Island

Mr. Daniel W. Varin, Associate Director, Statewide Planning Program, Department of Administration, Division of Planning,
265 Melrose Street, Providence, Rhode Island 02907, Telephone (401) 277–2656 Please direct correspondence and questions to: Review Coordinator, Office of Strategic Planning

South Carolina

Omeagia Burgees, State Single Point of Contact, Grant Services, Office of the Governor, 1205 Pendleton Street, Room 477, Columbia, South Carolina 29201, Telephone (803) 734–0494

South Dakota

Ms. Susan Comer, State Clearinghouse Coordinator, Office of the Governor, 500 East Capitol, Pierre, South Dakota 57501, Telephone (605) 773–3212

Tennessee

Mr. Charles Brown, State Single Point of Contact, State Planning Office, 500 Charlotte Avenue, 309 John Sevier Building, Nashville, Tennessee 37219, Telephone (615) 741–1676

Texas

Mr. Thomas Adams, Governor's Office of Budget and Planning, P.O. Box 12428, Austin, Texas 78711, Telephone (512) 463–1778

Utah

Utah State Clearinghouse, Office of Planning and Budget, ATTN: Ms. Carolyn Wright, Room 116 State Capitol, Salt Lake City, Utah 84114, Telephone (801) 538–1535

Vermont

Mr. Bernard D. Johnson, Assistant Director, Office of Policy Research & Coordination, Pavilion Office Building, 109 State Street, Montpelier, Vermont 05602, Telephone (802) 828–3326

West Virginia

Mr. Fred Cutlip, Director, Community Development Division, West Virginia Development Office, Building #6, Room 553, Charleston, West Virginia 25305, Telephone (304) 348–4010

Wisconsin

Mr. William C. Carey, Federal/State Relations Office, Wisconsin Department of Administration, 101 South Webster Street, P.O. Box 7864, Milwaukee, Wisconsin 53707, Telephone (608) 266–0267

Wyoming

Ms. Sheryl Jeffries, State Single Point of Contact, Herachler Building, 4th Floor, East Wing, Cheyenne, Wyoming 82002, Telephone (307) 777–7574

Guam

Mr. Michael J. Reidy, Director, Bureau of Budget and Management Research, Office of the Governor, P.O. Box 2950, Agana, Guam 96910, Telephone (671) 472–2285

Northern Mariana Islands

State Single Point of Contact, Planning and Budget Office, Office of the Governor, Saipan, CM, Northern Mariana Islands 96950

Puerto Rico

Norma Burgos/Jose E. Caro, Chairman/ Director, Puerto Rico Planning Board, Minillas Government Center,
P.O. Box 41119, San Juan, Puerto Rico 00940–9985, Telephone (809) 727–4444

Virgin Islands

Jose L. George, Director, Office of Management and Budget, No. 41 Norregade Emancipation Garden Station, Second Floor, Saint Thomas, Virgin Islands 00802
Please direct correspondence to: Ms. Linda Clarke, Telephone (809) 774–0750.

Certification Regarding Lobbying

Certification for Contracts, Grants, Loans, and Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan or cooperative agreement, the undersigned shall complete and submit Standard Form LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

(3) The undersigned shall require that the language of this cerification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

State for Loan Guarantee and Loan Insurance

The undersigned States, to the best of his or her knowledge and belief, that:

If any funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this commitment providing for the United States to insure or guarantee a loan, the undersigned shall complete and submit Standard Form-LLL "Disclosure Form to Report Lobbying," in accordance with its instructions.

Submission of this statement is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required statement shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

Signature

Title

Organization

Date

BILLING CODE 4184–01–P

DISCLOSURE OF LOBBYING ACTIVITIES

Approved by OMB 0348-0046

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352
(See reverse for public burden disclosure.)

1. Type of Federal Action:

☐ a. contract
b. grant
c. cooperative agreement
d. loan
e. loan guarantee
f. loan insurance

2. Status of Federal Action:

☐ a. bid/offer/application
b. initial award
c. post-award

3. Report Type:

☐ a. initial filing
b. material change

For Material Change Only:
year ______ quarter ____
date of last report ______

4. Name and Address of Reporting Entity:

☐ Prime ☐ Subawardee
Tier ____, *if known*:

Congressional District, *if known*:

5. If Reporting Entity in No. 4 is Subawardee, Enter Name and Address of Prime:

Congressional District, *if known*:

6. Federal Department/Agency:

7. Federal Program Name/Description:

CFDA Number, *if applicable* ______

8. Federal Action Number, *if known*:

9. Award Amount, *if known*:

$

10. a. Name and Address of Lobbying Entity *(if individual, last name, first name, MI)*:

b. Individuals Performing Services *(including address if different from No. 10a) (last name, first name, MI)*:

(attach Continuation Sheet(s) SF-LLL-A, if necessary)

11. Amount of Payment *(check all that apply)*:

$ ______ ☐ actual ☐ planned

12. Form of Payment *(check all that apply)*:

☐ a. cash
☐ b. in-kind; specify: nature ______
value ______

13. Type of Payment *(check all that apply)*:

☐ a. retainer
☐ b. one-time fee
☐ c. commission
☐ d. contingent fee
☐ e. deferred
☐ f. other; specify: ______

14. Brief Description of Services Performed or to be Performed and Date(s) of Service, including officer(s), employee(s), or Member(s) contacted, for Payment Indicated in Item 11:

(attach Continuation Sheet(s) SF-LLL-A, if necessary)

15. Continuation Sheet(s) SF-LLL-A attached: ☐ Yes ☐ No

16. Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to the Congress semi-annually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

Signature: ______

Print Name: ______

Title: ______

Telephone No.: ______ **Date:** ______

Federal Use Only:

Authorized for Local Reproduction
Standard Form - LLL

U.S. Department of Health and Human Services

Certification Regarding Drug-Free Workplace Requirements

Grantees Other Than Individuals

By signing and/or submitting this application or grant agreement, the grantee is providing the certification set out below.

This certification is required by regulations implementing the Drug-Free Workplace Act of 1988, 45 CFR Part 76, Subpart F. The regulations, published in the May 25, 1990 **Federal Register**, require certification by grantees that they will maintain a drug-free workplace. The certification set out below is a material representation of fact upon which reliance will be placed when the Department of Health and Human Services (HHS) determines to award the grant. If it is later determined that the grantee knowingly rendered a false certification, or otherwise violates the requirements of the Drug-Free Workplace Act, HHS, in addition to any other remedies available to the Federal Government, may taken action authorized under the Drug-Free Workplace Act. False certification or violation of the certification shall be grounds for suspension of payments, suspension or termination of grants, or governmentwide suspension or debarment.

Workplaces under grants, for grantees other than individuals, need not be identified on the certification. If known, they may be identified in the grant application. If the grantee does not identify the workplaces at the time of application, or upon award, if there is no application, the grantee must keep the identity of the workplace(s) on file in its office and make the information available for Federal inspection. Failure to identify all known workplaces constitutes a violation of the grantee's drug-free workplace requirements.

Workplace identifications must include the actual address of buildings (or parts of buildings) or other sites where work under the grant takes place. Categorical descriptions may be used (e.g., all vehicles of a mass transit authority or State highway department while in operation, State employees in each local unemployment office, performers in concert halls or radio studios.)

If the workplace identified to HHS changes during the performance of the grant, the grantee shall inform the agency of the change(s), if it previously identified the workplaces in question (see above).

Definitions of terms in the Nonprocurement Suspension and Debarment common rule and Drug-Free Workplace common rule apply to this certification. Grantees' attention is called, in particular, to the following definitions from these rules:

"Controlled substance" means a controlled substance in Schedules I through V of the Controlled Substances Act (21 USC 812) and as further defined by regulation (21 CFR 1308.11 through 1308.15).

"Conviction" means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes;

"Criminal drug statute" means a Federal or non-Federal criminal statute involving the manufacture, distribution, dispensing, use, or possession of any controlled substance;

"Employee" means the employee of a grantee directly engaged in the performance of work under a grant, including: (i) All "direct charge" employees; (ii) all "indirect charge" employees unless their impact or involvement is insignificant to the performance of the grant; and, (iii) temporary personnel and consultants who are directly engaged in the performance of work under the grant and who are on the grantee's payroll. This definition does not include workers not on the payroll of the grantee (e.g., volunteers, even if used to meet a matching requirement; consultants or independent contractors not on the grantee's payroll; or employees of subrecipients or subcontractors in covered workplaces).

The grantee certifies that it will or will continue to provide a drug-free workplace by:

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(b) Establishing an ongoing drug-free awareness program to inform employees about:

(1) The dangers of drug abuse in the workplace; (2) The grantee's policy of maintaining a drug-free workplace; (3) Any available drug counseling, rehabilitation, and employee assistance programs; and, (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will:

(1) Abide by the terms of the statement; and, (2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

(e) Notifying the agency in writing, within ten calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;

(f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted:

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or, (2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

(g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e) and (f).

The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant (use attachments, if needed):

Place of Performance (Street address, City, County, State, ZIP Code)______________________________

Check ___ if there are workplaces on file that are not identified here.

Sections 76.630(c) and (d)(2) and 76.635(a)(1) and (b) provide that a Federal agency may designate a central receipt point for STATE-WIDE AND STATE AGENCY-WIDE certifications, and for notification of criminal drug convictions. For the Department of Health and Human Services, the central receipt point is: Division of Grants Management and Oversight, Office of Management and Acquisition, Department of Health and Human Services, Room 517-D, 200 Independence Avenue, S.W., Washington, D.C. 20201.

DGMO Form#2 Revised May 1990

BILLING CODE 4184-01-C

Certification Regarding Debarment, Suspension, and Other Responsibility Matters—Primary Covered Transactions

By signing and submitting this proposal, the applicant, defined as the primary participant in accordance with 45 CFR part 76, certifies to the best of its knowledge and believe that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal Department or agency;

(b) Have not within a 3-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted or otherwise criminally or civilly charged by a governmental entity (Federal, State of local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and

(d) Have not within a 3-year period preceding this application/proposal had one or more public transactions (Federal, State, or local) terminated for cause or default.

The inability of a person to provide the certification required above will not necessarily result in denial of participation in this covered transaction. If necessary, the prospective participant shall submit an explanation of why it cannot provide the certification. The certification or explanation will be considered in connection with the Department of Health and Human Services (HHS) determination whether to enter into this transaction. However, failure of the prospective primary participant to furnish a certification or an explanation shall disqualify such person from participation in this transaction.

The prospective primary participant agrees that by submitting this proposal, it will include the clause entitled "Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion—Lower Tier Covered Transactions." provided below without modification in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion—Lower Tier Covered Transactions (To Be Supplied to Lower Tier Participants)

By signing and submitting this lower tier proposal, the prospective lower tier participant, as defined in 45 CFR part 76, certifies to the best of its knowledge and belief that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any federal department or agency.

(b) Where the prospective lower tier participant is unable to certify to any of the above, such prospective participant shall attach an explanation to this proposal.

The prospective lower tier participant further agrees by submitting this proposal that it will include this clause entitled "Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion—Lower Tier Covered Transactions." without modification in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

[FR Doc. 93-30904 Filed 12-17-93; 8:45 am]

BILLING CODE 4184-01-P

Food and Drug Administration

[Docket No. 93N-0347]

Sclavo, S.p.A.; Revocation of U.S. License No. 238

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the revocation of the establishment license (U.S. License No. 238) and product licenses issued to Sclavo, S.p.A., for the manufacture of Diphtheria and Tetanus Toxoids and Pertussis Vaccine Adsorbed; Diphtheria and Tetanus Toxoids Adsorbed; Tetanus and Diphtheria Toxoids Adsorbed for Adult Use; Diphtheria Toxoid; Diphtheria Toxoid Adsorbed; Tetanus Toxoid; Tetanus Toxoid Adsorbed; Tuberculin, Purified Protein Derivative; and Cholera Vaccine. In a letter to FDA dated June 9, 1993, Sclavo, S.p.A., voluntarily requested that its establishment and product licenses be revoked and waived its opportunity for hearing.

DATES: The revocation of the establishment license (U.S. License No. 238) and product licenses became effective July 27, 1993.

FOR FURTHER INFORMATION CONTACT: JoAnn M. Minor, Center for Biologics Evaluation and Research (HFM-635), Food and Drug Administration, 1401 Rockville Pike, Rockville, MD 20852-1448, 301-594-3074.

SUPPLEMENTARY INFORMATION: On June 9, 1993, Sclavo, S.p.A., voluntarily requested the revocation of its establishment license (U.S. License No. 238) and product licenses. The licenses were issued in 1984 to Sclavo, S.p.A., 53100 Fiorentina, Siena, Italy, for the manufacture of Diphtheria and Tetanus Toxoids and Pertussis Vaccine Adsorbed; Diphtheria and Tetanus Toxoids Adsorbed; Tetanus and Diphtheria Toxoids Adsorbed for Adult Use; Diphtheria Toxoid; Diphtheria Toxoid Adsorbed; Tetanus Toxoid; Tetanus Toxoid Adsorbed; Tuberculin, Purified Protein Derivative; and Cholera Vaccine. In early 1992, the vaccine and research divisions of Sclavo, S.p.A., were acquired by Biocine Sclavo, S.p.A., a wholly-owned subsidiary of The Biocine Co. The Biocine Co. is a joint venture between the Chiron Corp. and Ciba-Geigy Ltd. Sclavo, S.p.A., remained the legal holder of U.S. License No. 238. This voluntary revocation action followed inspections of the firm by FDA which documented significant deviations from the applicable Federal regulations in 21 CFR parts 210 to 211 and parts 600 to 650 and the standards established in the license, failure to report changes as required by § 601.12 (21 CFR 601.12), changes in the establishment and manfacturing methods requiring a new showing that the establishment and product meet the standards established in the regulations, and on the discontinuation by Sclavo S.p.A., of the manufacture of its products.

FDA conducted inspections of Sclavo, S.p.A., located at Rosia and Siena, Italy, from September 25 through 29, 1992, and December 14 through 18, 1992. The inspection and concurrent investigation were prompted by reports to FDA from The Biocine Co., following its acquisition of Sclavo, S.p.A., that manufacturing in unapproved facilities pursuant to unapproved procedures had occurred under Sclavo, S.p.A.'s license. These deficiencies were reported to FDA by the new owner following an internal audit. The subsequent FDA inspections documented numerous significant deviations from the applicable Federal regulations. Deviations identified during the inspection of the Siena, Italy, location included, but were not limited to, the following: (1) Failure to report important proposed changes in location, equipment, and manufacturing methods to the Center for Biologics Evaluation and Research (CBER) prior to implementation (§ 601.12), in that (a) numerous changes in manufacturing location were implemented without notifying CBER, and (b) numerous changes in manufacturing methods were implemented without notifying CBER and without awaiting CBER acceptance of such changes; (2) failure to maintain accurate and concurrent records for each step in the manufacture and distribution of products (21 CFR 600.12(a)), in that duplicate sets of batch production records were routinely maintained; one set reflecting the actual production process (unapproved) and the other set falsely indicating that products were manufactured using the approved processes (21 CFR 211.188); and (3) failure to maintain written procedures describing the handling of all complaints regarding drug products (21 CFR 211.198).

By letter dated February 1, 1993, pursuant to § 601.5(b), FDA notified Biocine Sclavo, S.p.A., and Sclavo, S.p.A., of the agency's intent to revoke U.S. License No. 238 issued to Sclavo, S.p.A., and announced its intent to offer an opportunity for a hearing on the matter.

By letter dated June 9, 1993, Sclavo S.p.A., notified FDA that it had discontinued manufacturing products under U.S. License No. 238, voluntarily requested that its licenses be revoked, and waived its opportunity for a hearing. In a letter dated July 27, 1993, FDA acknowledged Sclavo, S.p.A.'s request, and revoked the establishment license (U.S. License No. 238) and the product licenses of Sclavo, S.p.A.

FDA has placed copies of the documents relevant to the license revocations on file with the Dockets Management Branch (HFA-305), Food and Drug Administration, rm. 1-23, 12420 Parklawn Dr., Rockville, MD 20857. These documents, which are filed under the docket number found in brackets in the heading of this notice, include the Inspectional Observations (Form FDA-483) from the inspection of September 25 through 29, 1992 ; Inspectional Observations (Form FDA-483) from the inspection of December 14 through 18, 1992 ; FDA letter of February 1, 1993; Sclavo, S.p.A., letter of June 9, 1993; Biocine Sclavo, S.p.A., letter of June 18, 1993; and FDA letter of July 27, 1993. The documents are available for public examination in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Accordingly, under 21 CFR 601.5, section 351 of the Public Health Service Act (42 U.S.C. 262), and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Director, Center for Biologics Evaluation and Research (21 CFR 5.68), the establishment license (U.S. License No. 238), and the product licenses issued to Sclavo, S.p.A., Siena, Italy, for the manufacture of Diphtheria and Tetanus Toxoids and Pertussis Vaccine Adsorbed; Diphtheria and Tetanus Toxoids Adsorbed; Tetanus and Diphtheria Toxoids Adsorbed for Adult Use; Diphtheria Toxoid; Diphtheria Toxoid Adsorbed; Tetanus Toxoid; Tetanus Toxoid Adsorbed; Tuberculin, Purified Protein Derivative; and Cholera Vaccine were revoked effective July 27, 1993.

This notice is issued and published under 21 CFR 601.8 and the redelegation at 21 CFR 5.67.

Dated: December 9, 1993.

Kathryn C. Zoon,

Director, Center for Biologics Evaluation and Research.

[FR Doc. 93-30901 Filed 12-17-93; 8:45 am]

BILLING CODE 4160-01-F

[Docket No. 93N-0415]

Nashville Biologicals, Inc.; Revocation of U.S. License No. 1082

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the revocation of the establishment license (U.S. License No. 1082) and the product license issued to Nashville Biologicals, Inc., for the manufacture of Source Plasma. In a letter to FDA dated October 5, 1992, the firm voluntarily requested revocation of its establishment and product licenses and thereby waived an opportunity for a hearing.

DATES: The revocation of the above establishment license (U.S. License No. 1082) and product license became effective November 5, 1992.

FOR FURTHER INFORMATION CONTACT: Stephen M. Ripley, Center for Biologics Evaluation and Research (HFM-635), Food and Drug Administration, 1401 Rockville Pike, Rockville, MD 20852-1448, 301-594-3074.

SUPPLEMENTARY INFORMATION: FDA has revoked the establishment license (U.S. License No. 1082) and the product license issued to Nashville Biologicals, Inc., 3025 Nolensville Rd., Nashville, TN 37211, for the manufacture of Source Plasma. The mailing address for Nashville Biologicals, Inc., is 1085 Ohio Pike, Cincinnati, OH 45245.

FDA conducted an inspection of Nashville Biologicals, Inc., between August 24 and September 14, 1992. The inspection documented serious deviations from the applicable Federal regulations and the biologics standards in the firm's licenses. Deviations identified during the inspection included, but were not limited to, the following: (1) Failure to assure that each donation of plasma to be used in preparing a biological product was tested for the antibody to human immunodeficiency virus type 1 (anti-HIV-1) and the hepatitis B surface antigen (HBsAg) prior to shipment, in that, on at least two occasions, Source Plasma units were shipped before test results for HBsAg and anti-HIV-1 were received (21 CFR 610.40(b)(4) and 610.45(a)); (2) failure to adequately determine donor suitability, in that: (a) two donors were allowed to continue donating in the plasmapheresis program without serum protein electrophoresis testing every 4 months (21 CFR 640.65(b)(1)(i)), and (b) two donors with serum protein composition outside normal limits were deemed acceptable for continued donation (21 CFR 640.65(b)(2)(i)); (3) failure to adequately explain the hazards of the plasmapheresis procedure to prospective donors (21 CFR 640.61); (4) failure to assure that the skin at the site of phlebotomy was prepared thoroughly and carefully by a method that gave maximum assurance of sterility (21 CFR 640.64(e)); and (5) failure to maintain complete, accurate and concurrent records, in that: (a) two different individuals had donor record files bearing the same donor identification number (21 CFR 606.160(c)), (b) unit numbers were changed prior to shipment without a record of the relabeling, eliminating the ability to relate a unit directly to the proper donor (21 CFR 606.160(c)), and (c) one donor record file was changed to reflect that a serum protein electrophoresis sample was collected for the donor when, in fact, there was no evidence that the sample had been collected or tested (21 CFR 606.160(a)(1)). These deviations demonstrate management's failure to exercise control over the establishment in all matters relating to compliance and to assure that personnel were adequately trained and supervised, and had a thorough understanding of the procedures that they perform, as required by 21 CFR 600.10(a) and (b), and 21 CFR 606.20(a) and (b).

FDA determined that the deviations from Federal regulations were serious and constituted a danger to public health, warranting suspension pursuant to 21 CFR 601.6(a). In a letter to Nashville Biologicals, Inc., dated September 30, 1992, FDA detailed the violations noted above and confirmed telephone notice of the suspension of the firm's licenses for the manufacture of Source Plasma. In the same letter, FDA noted that the deviations documented in the recent inspection were similar to deviations documented in previous FDA inspections. Because these inspections had documented the firm's failure to adequately implement previously promised corrective actions, FDA had no assurance that another corrective action plan would be properly implemented to correct the deviations documented at the most recent inspection. Accordingly, FDA noted that the firm would not be provided an opportunity to demonstrate or achieve compliance, and notified the firm that the agency would move to revoke the licenses, pursuant to 21 CFR 601.5(b).

In a letter to FDA dated October 5, 1992, the firm voluntarily requested revocation of its licenses and thereby waived its opportunity for hearing under 21 CFR 601.5(a). The agency granted the licensee's request by letter dated November 5, 1992, which revoked the establishment license (U.S. License No. 1082) and the product license for the manufacture of Source Plasma.

FDA has placed copies of the documents relevant to the license revocations on file under the docket number found in brackets in the heading of this document with the Dockets Management Branch (HFA-305), Food and Drug Administration, rm. 1-23, 12420 Parklawn Dr., Rockville, MD 20857. These documents include: FDA letters of September 30, and November 5, 1992; and the firm's letter of October 5, 1992. These documents are available in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday.

Accordingly, under section 351 of the Public Health Service Act (42 U.S.C. 262), 21 CFR 601.5, and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Director, Center for Biologics Evaluation and Research (21 CFR 5.68), the establishment license (U.S. License No. 1082) and the product license issued to Nashville Biologicals, Inc., for the manufacture of Source Plasma were revoked, effective November 5, 1992.

This notice is issued and published under 21 CFR 601.8 and the redelegation at 21 CFR 5.67.

Dated: December 7, 1993.

Michael G. Beatrice,

Acting Director, Center for Biologics Evaluation and Research.

[FR Doc. 93-30900 Filed 12-17-93; 8:45 am]

BILLING CODE 4160-01-F

[Docket No. 90F-0320]

Leonard S. Finegold; Withdrawal of Food Additive Petition

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the withdrawal, without prejudice to a future filing, of a food additive petition (FAP 0B4220) proposing that the food additive regulations be amended to provide for the safe use of poly(phenyleneterephthalamide) resins as a repeated-use cooking bag material for popping corn in microwave or conventional ovens.

FOR FURTHER INFORMATION CONTACT: Edward J. Machuga, Center for Food Safety and Applied Nutrition (HFS-216), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-254-9511.

SUPPLEMENTARY INFORMATION: In a notice published in the Federal Register of December 6, 1990 (55 FR 50404), FDA announced that a food additive petition (FAP 0B4220) had been filed by Leonard S. Finegold, P.O. Box 23033, San Diego, CA 92123. The petition proposed that the food additive regulations be amended to provide for the safe use of poly(phenyleneterephthalamide) resins as a repeated-use cooking bag material for popping corn in microwave or conventional ovens. On July 13, 1993, FDA informed the petitioner that approval of the subject petition was no longer required to authorize the petitioned use because such use was covered by a newly established regulation (21 CFR 177.1632), and that the agency intended to publish a notice announcing the withdrawal of FAP 0B4220. Accordingly, FDA now considers the petition to be withdrawn without prejudice to a future filing (21 CFR 171.7).

Dated: December 8, 1993.

Fred R. Shank,

Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 93-30902 Filed 12-17-93; 8:45 am]

BILLING CODE 4160-01-F

Advisory Committees; Notice of Meetings

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: This notice announces forthcoming meetings of public advisory committees of the Food and Drug Administration (FDA). This notice also summarizes the procedures for the meetings and methods by which interested persons may participate in open public hearings before FDA's advisory committees.

MEETINGS: The following advisory committee meetings are announced:

Generic Drugs Advisory Committee

Date, time, and place. January 11 and 12, 1994, 8 a.m., conference rms. D and E, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD.

Type of meeting and contact person. Open committee discussion, January 11, 1994, 8 a.m. to 5 p.m.; open public hearing, 5 p.m. to 6 p.m., unless public participation does not last that long; open committee discussion, January 12, 1994, 8 a.m. to 3 p.m.; open public hearing, 3 p.m. to 4 p.m., unless public participation does not last that long; Kimberly L. Topper, Center for Drug Evaluation and Research (HFD-9), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4090.

General function of the committee. The committee gives advice on scientific and technical issues concerning the safety and effectiveness of human generic drug products for use in the treatment of a broad spectrum of human diseases and makes appropriate recommendations to the Secretary of Health and Human Services, the Assistant Secretary for Health, the Commissioner of Food and Drugs, and the Director of the Center for Drug Evaluation and Research. The committee may also review agency-sponsored intramural and extramural biomedical research programs in support of FDA's generic drugs regulatory responsibilities.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to make formal presentations should notify the contact person before December 27, 1993, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

Open committee discussion. On January 11 and 12, 1994, the committee will discuss issues related to in vitro dissolution testing of immediate-release and extended-release solid, oral dosage forms and its relationship to product quality and to in vivo bioavailability and bioequivalence. Information relative to this discussion will be used by FDA in improving its use of dissolution data and in identifying future directions for research to better define the conditions for using dissolution as a surrogate marker of in vivo performance.

Arthritis Advisory Committee

Date, time, and place. January 27 and 28, 1994, 8:30 a.m., conference rms. D and E, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD.

Type of meeting and contact person. Open public hearing, January 27, 1994, 8:30 a.m. to 9:30 a.m., unless public participation does not last that long; open committee discussion, 9:30 a.m. to 5 p.m.; open committee discussion, January 28, 1994, 8:30 a.m. to 5 p.m.; Isaac F. Roubein, Center for Drug Evaluation and Research (HFD–7), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3741.

General function of the committee. The committee reviews and evaluates data on the safety and effectiveness of marketed and investigational human drugs for use in arthritic conditions.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to make formal presentations should notify the contact person before January 20, 1994, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

Open committee discussion. On January 27, 1994, the committee will discuss new drug application (NDA) 20–335 for Therafectin (amiprilose HC1), Greenwich Pharmaceuticals, Inc. On January 28, 1994, the committee will discuss: (1) "NDA Day" procedures and objectives; and (2) the role of the committee in the review of switches from prescription drug use to over-the-counter use.

FDA public advisory committee meetings may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing portion. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. There are no closed portions for the meetings announced in this notice. The dates and times reserved for the open portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairperson determines will facilitate the committee's work.

Public hearings are subject to FDA's guideline (subpart C of 21 CFR part 10) concerning the policy and procedures for electronic media coverage of FDA's public administrative proceedings, including hearings before public advisory committees under 21 CFR part 14. Under 21 CFR 10.205, representatives of the electronic media may be permitted, subject to certain limitations, to videotape, film, or otherwise record FDA's public administrative proceedings, including presentations by participants.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this **Federal Register** notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairperson's discretion.

The agenda, the questions to be addressed by the committee, and a current list of committee members will be available at the meeting location on the day of the meeting.

Transcripts of the open portion of the meeting may be requested in writing from the Freedom of Information Office (HFI–35), Food and Drug Administration, rm. 12A–16, 5600 Fishers Lane, Rockville, MD 20857, approximately 15 working days after the meeting, at a cost of 10 cents per page. The transcript may be viewed at the Dockets Management Branch (HFA–305), Food and Drug Administration, rm. 1–23, 12420 Parklawn Dr., Rockville, MD 20857, approximately 15 working days after the meeting, between the hours of 9 a.m. and 4 p.m., Monday through Friday. Summary minutes of the open portion of the meeting may be requested in writing from the Freedom of Information Office (address above) beginning approximately 90 days after the meeting.

This notice is issued under section 10(a)(1) and (2) of the Federal Advisory Committee Act (5 U.S.C. app. 2), and FDA's regulations (21 CFR part 14) on advisory committees.

Dated: December 13, 1993.

Jane E. Henney,

Deputy Commissioner for Operations.

[FR Doc. 93-30903 Filed 12-17-93; 8:45 am]

BILLING CODE 4160-01-F

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

Elephant Butte and Caballo Reservoirs, Percha and Leasburg Diversion Dam Reservations Resource Management Plan/Draft Environmental Impact Statement, Rio Grande Project, NM

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice of cancellation of a notice of intent to prepare a draft environmental impact statement in association with a resource management plan.

SUMMARY: The Bureau of Reclamation (Reclamation) is canceling plans to prepare a draft resource management plan/environmental impact statement for the Elephant Butte and Caballo Reservoirs, Percha and Leasburg Diversion Dam Reservations, Rio Grande Project, New Mexico.

FOR FURTHER INFORMATION CONTACT: Lee Swenson, Chief, Environmental Compliance Branch, Bureau of Reclamation, Upper Colorado Region, PO Box 11568, Salt Lake City, Utah 84147.

SUPPLEMENTARY INFORMATION: Reclamation published a notice of intent (NOI) to prepare a draft environmental impact statement (DEIS) for the Elephant Butte and Caballo Reservoir, Percha and Leasburg Diversion Dam Reservations Resource Management Plan, Rio Grande Project, New Mexico, in the **Federal Register**, NOI Citation: 54

FR 36396, September 1, 1989. Public meetings were held in the cities of Truth or Consequences and Las Cruces, New Mexico, on January 31, 1990, and February 1, 1990, respectively.

Progress on the DEIS was initially delayed due to lack of funds. Later, a lawsuit initiated by Elephant Butte Irrigation District generated concerns which resulted in an indefinite postponement of work on the resource management plan (RMP) and associated DEIS, until the litigation is settled. Recently, additional concerns were expressed by cabin owners who want to purchase the leased land where their cabins are located. As a result of the concerns raised, Reclamation will delay work on the RMP until these issues are resolved. It is not anticipated that work on the RMP will resume until 1997, when a new NOI will be prepared and filed by Reclamation.

Dated: December 13, 1993.

Donald R. Glaser,

Deputy Commissioner.

[FR Doc. 93-30927 Filed 12-17-93; 8:45 am]

BILLING CODE 4310-94-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 93-093]

National Aeronautics and Space Administration (NASA)-National Institute of Health (NIH) Panel on Biomedical and Behavioral Research; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Public Law 92-463, the National Aeronautics and Space Administration announces a meeting of the NASA-NIH Panel on Biomedical and Behavioral Research.

DATES: January 9, 1994, 9 a.m. to 5 p.m.; and January 10, 1994, 9 a.m. to 2 p.m.

ADDRESSES: Bethesda Ramada Inn and Conference Center, 8400 Wisconsin Avenue, room 229, Executive Board Room, Bethesda, MD 20814; and National Institutes of Health, Building 49, Conference room B, 9000 Rockville Pike, Bethesda, MD 20892.

FOR FURTHER INFORMATION CONTACT: Ms. Mary Ann Gaskins, Code UP, National Aeronautics and Space Administration, Washington, DC 20546, 202/358-0857.

SUPPLEMENTARY INFORMATION: The meeting will be open to the public up to the seating capacity of the room. The agenda for the meeting is as follows:

—Current Status of NASA Programs and Projects: Space, Microgravity, Biological Sciences
—Current Status of NASA-NIH Cooperative Programs and Projects
—Recommendations to the NASA Administrator and NIH Director

It is imperative that the meeting be held on these dates to accommodate the scheduling priorities of the key participants. Visitors will be requested to sign a visitor's register.

Dated: December 14, 1993.

Timothy M. Sullivan,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 93-30954 Filed 12-17-93; 8:45 am]

BILLING CODE 7510-01-M

NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES

Agency Information Collection Under OMB Review

AGENCY: National Endowment for the Humanities.

ACTION: Notice.

SUMMARY: The National Endowment for the Humanities (NEH) has sent to the Office of Management and Budget (OMB) the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

DATES: Comments on this information collection must be submitted on or before January 19, 1994.

ADDRESSES: Send comments to Ms. Susan Daisey, Assistant Director, Grants Office, National Endowment for the Humanities, 1100 Pennsylvania Avenue, NW., room 310, Washington, DC 20506 (202-606-8494) and Mr. Steve Semenuk, Office of Management and Budget, New Executive Office Building, 726 Jackson Place, NW., room 3002, Washington, DC 20503 (202-395-6880).

FOR FURTHER INFORMATION CONTACT: Ms. Susan Daisey, Assistant Director, Grants Office, National Endowment for the Humanities, 1100 Pennsylvania Avenue, NW., room 310, Washington, DC 20506 (202) 606-8494 from whom copies of forms and supporting documents are available.

SUPPLEMENTARY INFORMATION: All of the entries are grouped into new forms, revisions, extensions, or reinstatements. Each entry is issued by NEH and contains the following information: (1) The title of the form; (2) the agency form number, if applicable; (3) how often the form must be filled out; (4) who will be required or asked to report; (5) what the form will be used for; (6) an estimate of the number of responses; (7) the frequency of response; (8) an estimate of the total number of hours needed to fill out the form; (9) an estimate of the total annual reporting and recordkeeping burden. None of these entries are subject to 44 U.S.C. 3504(h).

Category: Revisions.

Title: NEH Teacher-Scholar Program for Elementary and Secondary School Teachers.

Form Number: 3136-0122.

Frequency of Collection: Annual.

Respondents: Individuals or households Academic scholars—teachers, administrators.

Use: The application instructions provide direction for preparing narrative and budgetary parts of applications for grant funds.

Estimated Number of Respondents: 300.

Frequency of Response: once.

Estimated Hours for Respondents to Provide Information: 10 hours per respondent.

Estimated Total Annual Reporting and Recordkeeping Burden: 3,250 hours.

Donald Gibson,

Acting Deputy Chairman.

[FR Doc. 93-30915 Filed 12-17-93; 8:45 am]

BILLING CODE 7536-01-M

NUCLEAR REGULATORY COMMISSION

Nominations of New Members of the Advisory Committee on the Medical Uses of Isotopes

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Call for nominations.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is inviting nominations of individuals for its Advisory Committee on the Medical Uses of Isotopes (ACMUI) who are qualified in hospital administration.

DATES: Nominations are due on February 18, 1994.

ADDRESSES: Submit nominations to: Secretary of the Commission, Attn: Advisory Committee Management Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

FOR FURTHER INFORMATION CONTACT: Larry W. Camper, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Telephone: 301-504-3417.

SUPPLEMENTARY INFORMATION: The ACMUI advises NRC on policy and technical issues that arise in regulating the medical use of byproduct material for diagnosis and therapy. Responsibilities include providing guidance and comments on changes in NRC rules, regulations, and guides concerning medical use; evaluating certain nonroutine uses of byproduct material for medical use; and providing technical assistance in licensing, inspection, and enforcement cases.

Committee members possess the medical and technical skills needed to address evolving issues. The ACMUI currently consists of three physician specialists in therapeutic radiology, with experience in teletherapy and brachytherapy; three physician specialists in nuclear medicine, with backgrounds in radiology, internal medicine, and cardiology; a nuclear medicine technologist; a radiopharmacist; a specialist in medical physics; a patient's rights and care advocate; an individual with experience in State regulation of radioisotopes; and a representative from the Food and Drug Administration.

All new committee members will serve a 2-year term, with possible reappointment to two addition 2-year terms.

Nominees must include résumés describing their educational and professional qualifications, and provide their current addresses and telephone numbers.

Nominees must be United States citizens and be able to devote approximately 80 hours per year to committee business. Members will be compensated and reimbursed for travel (including per diem in lieu of subsistence), secretarial, and correspondence expenses. Nominees will undergo a security background check and will be required to complete financial disclosure statements in order to avoid conflict of interest issues.

Dated at Washington, DC, this 14th day of December, 1993.

For the Nuclear Regulatory Commission.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 93–30943 Filed 12–17–93; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50–302]

Florida Power Corp. (Crystal River Unit 3); Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission is considering issuance of a schedular exemption from the requirements of 10 CFR part 50 appendix E to Florida Power Corporation (the licensee), for Crystal River Unit 3 (CR–3), located in Citrus County, Florida.

Environmental Assessment

Identification of the Proposed Action

The proposed exemption would allow temporary relief from the requirements of 10 CFR part 50, appendix E, section IV.F.2., for the licensee at CR–3 to annually exercise its emergency plan. By letter dated October 27, 1993, the licensee requested an exemption from the requirements of 10 CFR part 50, appendix E, to conduct an annual exercise of the CR–3 Radiological Emergency Plan in 1993. The licensee had planned to conduct a full-participation exercise involving the State of Florida and local response organizations on November 3, 1993. The licensee requested that an exemption be granted because the State and local government agencies requested a delay of the 1993 annual exercise from November 3, 1993 to January 20, 1994. The request to move the exercise date was originated by the Citrus County Sheriff's Department (Emergency Management Section) because they would be unable to participate on November 3rd as a result of a conflicting community issue which could have necessitated their involvement at that time. The licensee states that the issue involved the well-being of Citrus County residents. This proposed delay will prevent the licensee from meeting the annual requirement to exercise the CR–3 Radiological Emergency Plan as specified in appendix E to 10 CFR part 50; and, therefore, FPC requested a schedular exemption.

The licensee stated that they had conducted an exercise with the State of Florida and local agencies on October 1, 1993, which activated all emergency facilities and included participation from all major responder groups.

The Need for the Proposed Action

The proposed exemption is needed as a result of a conflicting community issue which could have necessitated the involvement of the Citrus County Sheriff's Department (Emergency Management Section) just prior to and during the November exercise date. This issue involves the well-being of Citrus County residents.

Environmental Impacts of the Proposed Action

The proposed exemption does not involve any measurable environmental impacts since the exemption deals with the exercise of the licensee's emergency plan. Plant configuration and operations are not changed. Thus, the proposed exemption would not affect the probability or consequences of a potential reactor accident and would not otherwise affect radiological plant effluents. Consequently, the Commission concludes that there are no significant radiological impacts associated with the proposed exemption.

With regard to potential nonradiological impacts, the proposed exemption involves only the emergency plan exercises. It does not affect nonradiological plant effluents and there are no other nonradiological environmental impacts associated with the proposed exemption.

Alternatives to the Proposed Action

Since the staff has concluded that there are no measurable environmental impacts associated with the proposed exemption, any alternatives with equal or greater environmental impact need not be evaluated. The principal alternative to the exemption would be to require strict compliance with 10 CFR part 50, appendix E, section IV.F.2., for the licensee at CR–3 to annually exercise its emergency plan.

Alternative Use of Resources

This exemption from the scheduled exercise in November 1993 does not reduce the use of resources since the exercise will be conducted in January 1994, and the previously scheduled October 1994 exercise will also be conducted.

Agencies and Persons Consulted

The staff consulted with the State of Florida regarding the environmental impact of the proposed action.

Finding of No Significant Impact

Based upon the foregoing environmental assessment, the Commission concludes that the proposed action would not have a significant effect on the quality of the human environment. Accordingly, the Commission has determined not to prepare an environmental impact statement for the proposed exemption.

For further details with respect to this action, see the application dated October 27, 1993, which is available for public inspection at the Commission's Public Document Room, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Coastal Regional Library, 8619 W. Crystal Street, Crystal River, Florida 34429.

Dated at Rockville, Maryland, this 13th day of December 1993.

For the Nuclear Regulatory Commission.

Herbert N. Berkow,

Director, Project Directorate II-2, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 93-30941 Filed 12-17-93; 8:45 am]

BILLING CODE 7590-01-M

Draft NUREG; Issuance, Availability

On October 21, 1993, (58 FR 54385), the Nuclear Regulatory Commission published for public comment two draft reports entitled "Revised Analyses of Decommissioning for the Reference Pressurized Water Reactor Power Station" (NUREG/CR-5884) and "Estimating Pressurized Water Reactor Decommissioning Costs" (NUREG/CR-6054). The draft reports, prepared for the NRC by Battelle Pacific Northwest Laboratories (PNL), present the results of a review and reevaluation of the 1978 pressurized water reactor (PWR) decommissioning study which addressed technology, safety and cost issues associated with decommissioning a large nuclear power plant (NUREG/CR-5884) and the development of a computer program to arrive at the decommissioning cost estimates (NUREG/CR-6054).

A request has been made by the Nuclear Management and Resources Council (NUMARC), which is an organization of the nuclear power industry that coordinates licensee and other nuclear industry organization comment on regulatory policy issues, the extend the comment period because of the voluminous and detailed nature of the documents released. The NRC has not objections to this request and has agreed to extend the comment period to February 15, 1994.

As noted in the initial **Federal Register** Notice (58 FR 54385), NUREG/CR-5884 should be viewed as a first step in developing a more parametric approach to estimating decommissioning costs and comments on the usefulness of such an approach are requested. The NRC staff is particularly interested in comments on the usefulness of the present report in terms of preparation of case specific parametric analyses. Similar work addressing boiling water reactor (BWR) decommissioning is underway, and is expected to be issued in early 1994 for public comment. The results of these studies, including input from the public, will be used by the NRC staff as part of its effort to determine if revisions of the decommissioning regulations are warranted.

NUREG/CR-5884 and NUREG/CR-6054 are not a substitute for NRC regulations, and compliance is not required. The approaches and/or methods described in these NUREG/CRs are provided for information only. Publication of the reports does not necessarily constitute NRC approval or agreement with the information cited therein.

Copies of NUREG/CR-5884 and NUREG/CR-6054 may be purchased from the Superintendent of Documents, U.S. Government Printing Office, P.O. Box 37082, Washington, DC 20013-7082. Copies are also available from the National Technical Information Service, 5285 Port Royal, Springfield, Virginia 22161. A copy is also available for inspection and/or copying for a fee in the NRC Public Document Room, 2120 L Street, NW. (Lower Level), Washington, DC.

Free single copies of draft NUREG/CR-5884 and/or NUREG/CR-6054 may be requested by those considering public comment by writing to the U.S. Nuclear Regulatory Commission, Washington, DC 20555. Copies of the software for NUREG/CR-6054 are available by contracting the NRC Project Manager, George J. Mencinsky, at (301) 492-3735.

Comments on the draft reports should be sent to the Chief, Rules Review and Directives Branch, Division of Freedom of Information and Publications Services, Mail Stop P-223, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Copies of the comments received may be examined at the NRC Public Document Room at 2120 L Street, NW. (Lower Level), Washington, DC.

For further information contact George J. Mencinsky, Radiation Protection and Health Effects Branch, Mail Stop NLS-139, U.S., Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 492-3735.

Dated at Rockville, Maryland, this 10th day of December 1993.

For the Nuclear Regulatory Commission.

Frank A. Costanzi,

Deputy Director, Division of Regulatory Applications, Office of Nuclear Regulatory Research.

[FR Doc. 93-30942 Filed 12-17-93; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 030-32954; License No. 24-04206-13 MD, EA 93-140]

Mallinckrodt Medical Inc., Folcroft, PA; Order Imposing A Civil Monetary Penalty

I

Mallinckrodt Medical, Incorporated, St. Louis, Missouri (Licensee) is the holder of Byproduct Material License No. 24-04206-13MD (License), issued by the Nuclear Regulatory Commission (NRC or Commission) on November 16, 1992, for use of licensed materials at the licensee's facility in Folcroft, Pennsylvania. The License authorizes the Licensee to manufacture, use, and transport byproduct material to area hospitals for use as nuclear pharmaceuticals in accordance with the conditions specified therein. Licensed activities conducted at the Folcroft facility consist of compounding, dispensing and/or distributing radiopharmaceuticals, redistributing of unopened molybdenum-99/technetium-99m generators and providing calibration of survey instruments for licensees authorized to use licensed materials listed in 10 CFR 35.100, 35.200, 35.300, 35.400, and 35.500. The License is scheduled to expire on August 31, 1994.

II

An inspection of the Licensee's activities at its Folcroft, PA facility was conducted by the NRC on May 14, 1993. The results of this inspection indicated that the Licensee had not conducted its activities in full compliance with NRC requirements. A written Notice of Violation and Proposed Imposition of Civil Penalty (Notice) was served upon the Licensee by letter dated July 6, 1993. The Notice states the nature of the violations, the provisions of the NRC's requirements that the Licensee had violated, and the amount of the civil penalty proposed for Violation I.

The Licensee responded to the Notice by letters dated July 16, 1993. In its Reply, the Licensee admits both of the violations, but in its Answer requests mitigation of the civil penalty assessed for Violation I based on its prior performance history and correction (further described in the appendix to this Order).

III

After consideration of the Licensee's responses and the statements of fact, explanation, and argument for mitigation contained therein, the NRC staff has determined, as set forth in the appendix to this Order, that the violations occurred as stated in the Notice; that the civil penalty proposed for Violation I designated in the Notice should be mitigated by 50% based on reconsideration of application of the Licensee Performance factor in the Enforcement Policy; and that a civil penalty of $500 should be imposed.

IV

In view of the foregoing and pursuant to section 234 of the Atomic Energy Act of 1954, as amended (Act), 42 U.S.C. 2282, and 10 CFR 2.205, it is hereby ordered that:

The Licensee pay a civil penalty in the amount of $500 within 30 days of the date of this Order, by check, draft, money order, or electronic transfer, payable to the Treasurer of the United States and mailed to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555.

V

The Licensee may request a hearing within 30 days of the date of this Order. A request for a hearing should be clearly marked as a "Request for an Enforcement Hearing" and shall be addressed to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555, with a copy of the Commission's Document Control Desk, Washington, DC 20555. Copies also shall be sent to the Assistant General Counsel for Hearings and Enforcement at the same address and to the Regional Administrator, NRC Region I, 475 Allendale Road, King of Prussia, Administrator, NRC Region I, 475 Allendale Road, King of Prussia, Pennsylvania 19406.

If a hearing is requested, the Commission will issue an Order designating the time and place of the hearing. If the Licensee fails to request a hearing within 30 days of the date of this Order, the provisions of this Order shall be effective without further proceedings. If payment has not been made by that time, the matter may be referred to the Attorney General for collection.

In the event the Licensee requests a hearing as provided above, the issue to be considered at such hearing shall be:

Whether, on the basis of Violation I admitted by the Licensee, this Order should be sustained.

Dated at Rockville, Maryland this 13th day of December 1993.

For the Nuclear Regulatory Commission.

Hugh L. Thompson, Jr.,

Deputy Executive Director for Nuclear Materials Safety, Safeguards and Operations Support.

Appendix—Evaluation and Conclusion

On July 6, 1993, a Notice of Violation and Proposed Imposition of Civil Penalty (Notice) was issued for two violations identified during an NRC inspection conducted on May 14, 1993. A civil penalty was proposed for Violation I. Mallinckrodt Medical, Incorporated (licensee) in a Reply and an Answer, both dated July 16, 1993, admitted the violations, but requested mitigation of the civil penalty. The NRC's evaluation and conclusion regarding the licensee's requests are as follows:

1. Restatement of Violation Assessed a Civil Penalty

10 CFR 71.5(a) requires that a licensee who transports licensed material outside of the confines of its plant or other place of use, or who delivers licensed material to a carrier for transport, comply with the applicable requirements of the regulations appropriate to the mode of transport of the Department of Transportation (DOT) in 49 CFR parts 170 through 189.

49 CFR 173.443(a) requires, in part, with exceptions not applicable here, that for beta-gamma emitting contaminants, the level of non-fixed (removable) radioactive contamination on the external surfaces of each package offered for shipment, when averaged over the surface wiped, not exceed 220 disintegrations per minute per square centimeter.

Contrary to the above, on May 7, 1993, the licensee transported a package from its Folcroft facility to the Fitzgerald Division of the Mercy Catholic Medical Center, and upon arrival at the Fitzgerald Division, the package was determined to have non-fixed contamination caused by technetium-99m, a beta-gamma emitting radionuclide, of approximately 6000 disintegrations per minute per square centimeter averaged over the surface wiped.

This is a Severity Level III violation (Supplement V).

Civil Penalty—$1,000.

2. Summary of Licensee's Request

In its written Reply, the licensee admits the violation. However, in its Answer, the licensee requests that the penalty be mitigated in its entirety. In support of its requests, the licensee notes that the "General Statement of Policy and Procedure for NRC Enforcement Actions," 10 CFR part 2, appendix C (Enforcement Policy), section VI.B.2(c) allows mitigation of the base civil penalty by as much as 100% if the current violation is an isolated failure that is inconsistent with a licensee's outstandingly good prior performance. The licensee also notes that prior performance is described in the Enforcement Policy as the licensee's performance normally within the last two years or the period within the last two inspections, whichever is longer. The licensee indicated that during this period, there have been no problems identified with contamination or improper surveying of packages containing radioactive materials at the Folcroft facility, and requests that this performance history be considered in the NRC's review of the situation.

The licensee further notes that the Enforcement Policy in section VI.B.2(b) allows for mitigation of up to 50% when a licensee takes immediate corrective actions to restore safety and compliance with the license and regulations. The Enforcement Policy states that the issues to be considered are the promptness, extensiveness and timeliness of corrective actions, and the degree of licensee initiative. The licensee indicated that the Outgoing Package procedure at its Folcroft facility was reviewed for possible deficiencies and was revised to include a wipe test on the delivery case prior to shipment. This revision was completed prior to the NRC inspection of the Folcroft facility on May 14, 1993. The licensee's corporate management later issued the change to all Mallinckrodt pharmacies nationwide for immediate implementation. Further, the licensee points out that the corrective steps taken achieved the objectives of the NRC enforcement action policy before any enforcement action had begun, thereby demonstrating the licensee's commitment to radiation safety and the protection of the public. In view of the above, the licensee requests that the NRC consider withdrawing the civil penalty.

3. NRC Evaluation of Licensee's Response

The NRC has evaluated the licensee responses and has determined that the licensee's past performance justifies some mitigation of the civil penalty. In determining the amount of the civil penalty, the NRC considered the escalation and mitigation factors set forth in the NRC Enforcement Policy. With respect to the licensee's corrective actions, the NRC considered those actions, concluded they were prompt and comprehensive, and concluded that the base civil penalty amount for this Severity Level III violation should be decreased by 50% because of those actions. This is the maximum amount of mitigation allowed by the Enforcement Policy. The Enforcement Policy allows for a 50% escalation if the NRC identifies the violation, which was applied in this case because the violation was identified when another licensee reported the contamination incident to the NRC.

With respect to the licensee's past performance, this factor was also considered in the NRC analysis. The licensee contends mitigation is warranted because there have been no problems in the area of concern. The Enforcement Policy provides, however, that consideration will be given to the licensee's prior enforcement history overall and in the area of concern. Mitigation may be granted if the violation is inconsistent with a licensee's "outstandingly good prior performance." The licensee's prior enforcement history overall included two violations during each of the last two inspections in 1992 and 1991. The NRC acknowledges that none of these four violations identified in the previous inspections were similar to the violation assessed a penalty in the July 6, 1993 Notice. While your procedures called for surveys of incoming shipments in the past, they did not require surveys of outgoing shipments. Thus it may be fortuitous that no prior incidents such as this were discovered. Thus, although the licensee's past performance does contain some violations, the overall record is sufficiently good to justify some mitigation of the civil penalty. Therefore, the NRC concludes that 50% mitigation on this factor is warranted.

4. NRC Conclusion

The NRC has concluded that Violation I occurred as stated and that the licensee provided an adequate basis for further mitigation of the civil penalty. Consequently, the NRC has determined that a civil monetary penalty in the amount of $500 should be imposed.

[FR Doc. 93-30940 Filed 12-17-93; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-33326; International Series Release No. 622; File No. SR-NASD-91-5]

Self-Regulatory Organizations; National Association of Securities Dealers, Inc.; Order Approving a Proposed Rule Change Relating to the Operation of the PORTAL Market

December 13, 1993.

I. Introduction

On January 29, 1991, the National Association of Securities Dealers, Inc. ("NASD" or "Association") submitted to the Securities and Exchange Commission ("SEC" or "Commission"), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Exchange Act")[1] and Rule 19b-4 thereunder,[2] a proposed rule change to amend Schedule I to the NASD By-Laws ("PORTAL Rules" or PORTAL Market Rules"), which governs any trading in securities designated as PORTAL securities ("PORTAL securities") and the operation of the computer and communications system that supports such trading ("PORTAL Market system"). The PORTAL Market was established to provide a marketplace for primary offerings and secondary trading conducted in reliance on Rule 144A[3] under the Securities Act of 1933 ("Securities Act").[4] The proposed rule change eliminates a number of limitations on the resale of PORTAL securities aimed at assuring PORTAL participants that their trades substantially comply with Rule 144A if they are effected in accordance with the PORTAL Market Rules. The proposed rule change also establishes reporting requirements for NASD members' transactions in PORTAL securities.

Notice of the proposal appeared in the Federal Register on March 31, 1992.[5] The Commission received six comment letters on the proposal as published in that notice.[6] The NASD amended the proposal on several occasions thereafter.[7] Notice of the proposal as amended on March 18, 1993 appeared in the Federal Register on March 25, 1993.[8] The Commission received one comment letter in response to that notice.[9] This order approves the proposal, as amended.

II. Background

The NASD filed the PORTAL Market Rules with the Commission in June 1988, prior to the Commission's adoption of Rule 144A. In that filing, the NASD proposed the creation of a fully automated system to support the primary distribution, secondary trading, and clearance and settlement of domestic and foreign debt and equity restricted securities. In 1990, the Commission approved the PORTAL Market Rules, which permit use of the PORTAL Market System for primary offerings of securities eligible under Rule 144A to be made pursuant to Section 4(2) of the Securities Act or Regulation D, thereunder, and secondary trading of securities made in reliance on Rule 144A under the Securities Act.[10]

As originally adopted, the PORTAL rules created a closed trading system that limited trading to qualifying institutions, and established depository and clearance systems to ensure that trades could be made only with qualifying institutions or outside the United States.[11]

III. Description of Proposal

A. Registration of PORTAL Participants

The proposal revises the registration process for NASD members and non-members to obtain access to the PORTAL Market system. To subscribe to PORTAL Market information directly through the PORTAL Market system or indirectly through a third-party distributor, an entity will be required to register as either a PORTAL dealer, a PORTAL broker, or a PORTAL qualified investor (collectively, "PORTAL participants"). Members of the NASD may register as either PORTAL brokers or PORTAL dealers.[12] Non-members may register only as PORTAL qualified investors.

A PORTAL dealer may enter quotations for PORTAL securities in the

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[1] 15 U.S.C. 78s(b)(1) (1988).

[2] 17 CFR 240.19b-4 (1991).

[3] Rule 144A provides an exemption from the registration requirements of the Securities Act of 1933 for resales of certain securities to specified institutional buyers. See Rule 144A, 17 CFR 230.144A.

[4] The PORTAL Market was approved by the Commission on April 27, 1990. Securities Exchange Act Release No. 27956 (April 27, 1990), 55 FR 18781.

[5] Securities Exchange Act Release No. 30508, International Series Release No. 377, (March 24, 1992), 57 FR 10933.

[6] See letter from Dr. W. Judson King, Chairman, Sunshine Securities Corporation, to Kathryn V. Natale, Assistant Director, Division of Market Regulation, SEC (June 10, 1992); letter from Robin Shelby, Director, Legal Affairs and Assistant General Counsel, First Boston Corporation to Margaret H. McFarland, Deputy Secretary, SEC (May 19, 1992); letter from Pamela P. Root, Goldman Sachs, to Jonathan G. Katz, Secretary, SEC (May 18, 1992); letter from Sullivan & Cromwell, to Margaret H. McFarland, Deputy Secretary, SEC (May 18, 1992); letter from Robert S. Trefny, Davis Polk & Wardwell, to Jonathan G. Katz, Secretary, SEC (May 18, 1992); letter from Edmund H. Schenck, Senior Vice President, NationsBank Corporation, to Jonathan G. Katz, Secretary, SEC (April 20, 1992).

[7] The NASD filed eight amendments to the proposed rule change, dated June 14, 1991, September 30, 1991, November 1, 1991, February 19, 1992, March 14, 1992, March 10, 1993, March 18, 1993, and October 15, 1993 ("Amendments No. 1-8 respectively"). Amendment No. 8 is technical in nature and does not require notice and comment. On November 2, 1993, the NASD submitted a letter clarifying an interpretation contained in Amendment No. 8. See letter from Suzanne E. Rothwell, Associate General Counsel, NASD, to Jonathan Kallman, Associate Director, Division of Market Regulation, SEC (November 2, 1993). The proposed rule change also incorporates the changes originally proposed in File No. SR-NASD-90-49. See Securities Exchange Act Release No. 28429 (September 12, 1990), 55 FR 38623.

[8] Securities Exchange Act Release No. 32016, International Series Release No. 526 (March 19, 1993), 58 FR 16249.

[9] See Letter from David E. Rosedahl, Chairman, Federal Regulation Committee, Securities Industry Association ("SIA"), to Jonathan G. Katz, Secretary, SEC (June 2, 1993). The NASD responded to the comment letter. See letter from Suzanne E. Rothwell, Associate General Counsel, NASD, to Elizabeth H. MacGregor, Branch Chief, Division of Market Regulation, SEC (August 12, 1993).

[10] See *supra* note 4.

[11] The PORTAL Market Rules adopted in 1990 prevent resales of PORTAL securities into the public retail market by requiring that the entire issues of such securities be deposited in segregated accounts at PORTAL clearing organizations and depositories. The rules further require PORTAL participants to: (1) Trade PORTAL securities through segregated accounts at designated PORTAL clearing organizations and depositories; (2) provide detailed undertakings to leave the PORTAL securities on deposit in the segregated accounts until sold or transferred outside PORTAL in a transaction complying with the restrictions on exit transactions and transfers; and (3) authorize the depositories and clearing organizations to release information on trading activity to the NASD.

The NASD anticipated that the adopted version of Rule 144A would include a safe harbor from the registration requirements of the Securities Act for transactions effected on an approved private placement system, such as PORTAL. *See* letter from Frank J. Wilson, Executive Vice President and General Counsel, NASD, to Jonathan G. Katz, Secretary, SEC (September 12, 1989). Because the adopted version of Rule 144A did not include a safe harbor for transactions effected on an approved private placement system, the NASD amended the PORTAL Market Rules one week after the approval of Rule 144A to permit exit transfers to PORTAL securities from a participant's PORTAL account to its non-PORTAL account. PORTAL participants can, therefore, resell PORTAL securities without complying with the PORTAL exit restrictions and without immediate NASD oversight of the subsequent sale or transfer. See Securities Exchange Act Release No. 27956 (April 27, 1990), 55 FR 18781.

[12] A member may register as a PORTAL qualified investor only if it also registers as a PORTAL dealer.

PORTAL Market system [13] and may update those quotations continuously.[14] Moreover, a PORTAL dealer may purchase or sell PORTAL securities as principal or agent and, if the PORTAL clearance and depository system is designated for clearance and settlement, may confirm its trades directly through the PORTAL system. To register as a PORTAL dealer, a member must demonstrate to the satisfaction of the NASD that it is eligible to purchase securities under the financial criteria of Rule 144A as it applies to a dealer registered under Section 15 of the Exchange Act.[15] A PORTAL participant selling PORTAL securities to a PORTAL dealer will, therefore, have some assurance that it is selling those securities to a Qualified Institutional Buyer ("QIB"), as defined by Rule 144A.[16]

A PORTAL broker may enter quotations in the PORTAL market system, purchase or sell PORTAL securities as principal or agent, and, if the PORTAL clearance and depository system is designated for clearance and settlement, confirm those trades directly through the PORTAL system. Because a member need not demonstrate that it is eligible to purchase securities under the financial criteria of Rule 144A to be registered as a PORTAL broker,[17] a PORTAL participant selling securities to a PORTAL broker will have no assurance that the member is a QIB.

A PORTAL qualified investor may subscribe to receive quotation and transaction information through the PORTAL system, but may not, itself, enter quotations into the PORTAL system, unless it is also registered as a PORTAL dealer. A PORTAL qualified investor may enter an affirmation or rejection in response to a PORTAL dealer's or PORTAL broker's request for comparison on a trade.[18]

An investor, other than a dealer registered under Section 15 of the Exchange Act, may not subscribe to PORTAL Market information directly through the PORTAL Market system, or indirectly through a third-party distributor, unless it executes a subscriber agreement,[19] and either: (1) A PORTAL dealer represents to the NASD that it reasonably believes that the investor is a QIB under Rule 144A;[20] (2) the investor demonstrates to the satisfaction of the NASD that it is a QIB; or (3) based upon other information, the NASD reasonably believes that the investor is a QIB.[21]

B. Transactions in PORTAL Securities

Under the proposal, any NASD member effecting a transaction in a PORTAL security [22] will be subject to the PORTAL Market Rules, even if the transaction did not result from use of the PORTAL Market system.[23] Non-NASD members that are PORTAL qualified investors will no longer be required to execute trades in PORTAL securities with or through PORTAL dealers or PORTAL brokers.

The proposal explicitly prohibits NASD members from selling PORTAL securities unless the sale is to: (1) An investor or member that the member reasonably believes is a QIB, in a transaction exempt from registration under the Securities Act by reason of compliance with Rule 144A; (2) an investor or member, in a transaction that is exempt from registration under the Securities Act by reason of compliance with any exemption other than Rule 144A; or (3) a member acting as an agent, in a transaction that both the member acting as agent and the selling member determine is exempt from registration under the Securities Act. Selling members, themselves, must ensure that their transactions in PORTAL securities comply with the securities laws of the United States, and must maintain in their files information demonstrating that those transactions are in compliance with Rule 144A or any other applicable exemptions from registration under the Securities Act.

C. Designation of PORTAL Securities

For initial and continued designation as a PORTAL security, the proposal requires that a security be either: (1) A restricted security, as defined in Rule 144(a)(3) under the Securities Act ("legally restricted security"); or (2) a security that, pursuant to contractual provisions, upon issuance and continuously thereafter only can be sold pursuant to Regulation S, Rule 144A, or Rule 144 under the Securities Act, or in a transaction exempt from the registration requirements of the Securities Act pursuant to Section 4 of the Securities Act and not involving any public offering [24] ("contractually restricted security").[25] To be designated a PORTAL security, a security also must be eligible to be sold pursuant to Rule 144A under the Securities Act, be in negotiable form, and not be subject to any restriction, condition, or requirement that would impose an unreasonable burden on any PORTAL participant. In addition, the security must be assigned a CUSIP [26] or CINS [27] security identification number that is different from any identification number assigned to any unrestricted security of the same class that is not a contractually restricted security. Designation as PORTAL eligible would apply to all

[13] To enter quotations, a PORTAL dealer or PORTAL broker must also comply with other NASD rules applicable to market makers. See Schedule D, Part VI.

[14] See *infra* note 38 and accompanying text. The provisions governing the initiation of stabilizing bids in the PORTAL Market remain unchanged. All stabilizing bids must be entered and maintained in a manner consistent with Rules 10b–6 and 10b–7 under the Exchange Act. 17 CFR 240.10b–6 and 17 CFR 240.10b–7 (1991).

[15] A member must demonstrate this by submitting its most recent Audited Financial Statements filed with the SEC pursuant to Rule 17a–5(d) under the Exchange Act, with the supporting schedules required pursuant to subparagraph (3) thereof, and any other information that the NASD may require to be submitted. For a PORTAL dealer to continue to be registered, the dealer must annually demonstrate that it continues to be eligible to purchase securities under the financial criteria of Rule 144A as it applies to a dealer registered under Section 15 of the Exchange Act, by submitting to the NASD the same type of information required for initial registration as a PORTAL dealer.

[16] The NASD's proposal includes a cautionary note that PORTAL participants must ensure that any sale of PORTAL securities complies with the securities laws of the United States.

[17] To register as a PORTAL broker, a member must execute a participation agreement, be qualified to do business as a general securities firm, and agree to comply with the requirements of the PORTAL Market Rules.

[18] See *infra* notes 42 through 45 and accompanying text.

[19] The NASD stated in its filing that it anticipates that investors will execute agreements directly with the NASD, or with a third-party vendor who uses a subscriber agreement approved by the NASD. The NASD must file a proposed rule change pursuant to Section 19(b) of the Exchange Act before it may make PORTAL Market information available to vendors for redistribution.

[20] A PORTAL dealer that represents to the NASD that it reasonably believes that an investor is a QIB must maintain in its files the basis for that representation.

[21] The NASD will review annually whether an investor qualifies as a QIB. The proposal will delete a provision in the PORTAL Market Rules that requires investors to certify that they understand they may be purchasing PORTAL securities from a PORTAL qualified investor who may rely on an exemption from the provisions of Section 5 of the Securities Act pursuant to Rule 144A.

[22] Securities that are part of a new issue, primary or secondary, may be traded "when, as and if issued" in the PORTAL Market after the securities have been designated as PORTAL securities The lead manager of the underwriting group must, however, establish a settlement date for the securities based on their anticipated availability.

[23] Members trading in PORTAL securities also will be subject to relevant NASD rules and policies. The PORTAL Market Rules include a listing of the Rules of Fair Practice and Interpretations, Policies, and Explanations adopted thereunder that are specifically applicable to transactions and business activities relating to the PORTAL Market.

[24] The exemption from the registration requirements of the Securities Act for this last type of transaction is commonly referred to as the "Section 4(1½) exemption."

[25] See Securities Exchange Act Release No. 33327 (December 13, 1993). If the PORTAL security is a depositary receipt, the underlying security must also be either a legally restricted security or a contractually restricted security.

[26] A CUSIP number identifies the issuer and issue of a security.

[27] CUSIP International Numbering System.

securities bearing the same CUSIP or CINS number. If the security is issued in physical certificate form to investors, each certificate must have a legend stating that the security has not been registered under the Securities Act and cannot be resold without registration under the Securities Act or an exemption therefrom.[28]

The NASD may, in its discretion, suspend or terminate designation of a PORTAL security if it determines that either: (1) The security is not in compliance with the requirements of the PORTAL Rules; (2) a holder or prospective purchaser that requested issuer information pursuant to Rule 144A(d)(4) did not receive the information; (3) any application or other document relative to such security submitted to the NASD contained an untrue statement of a material fact or omitted to state a material fact necessary to make the statements therein not misleading; or (4) failure to withdraw designation of such security would for any reason be detrimental to the interests and welfare of PORTAL participants. If the NASD decides to suspend or terminate the designation of a PORTAL security, it will promptly notify PORTAL participants and the Depository Trust Company ("DTC") of its determination. Transactions in such security, however, will remain subject to all rules of the NASD applicable to the PORTAL Market, and members must comply with those rules until the security is sold in accordance with the terms of notice of the suspension or termination.

D. Transaction Reporting

The proposal will require all NASD members to report to the NASD, on a monthly basis, information about trades in PORTAL securities (for surveillance purposes), and will require PORTAL brokers and PORTAL dealers to report to the NASD, within 15 minutes after executing a trade in a PORTAL security, price and size information about that trade (for transparency purposes).[29] The monthly reports submitted for surveillance purposes are defined as "PORTAL surveillance reports," when submitted by PORTAL participants, and as "PORTAL non-participant reports," when submitted by PORTAL non-participants. The reports submitted by PORTAL brokers and PORTAL dealers within 15 minutes after a transaction are designated as "PORTAL transaction reports."

1. PORTAL Transaction Reports

A PORTAL dealer or PORTAL broker that participates in a transaction in a PORTAL security,[30] either as principal or agent, must submit to the PORTAL Market system, within 15 minutes after execution of the transaction, a PORTAL transaction report.[31] If each party in the transaction is either a PORTAL dealer or a PORTAL broker, the seller must submit the PORTAL transaction report to the NASD. If only one of the parties in the transaction is a PORTAL dealer or PORTAL broker, that party must submit the PORTAL transaction report to the NASD.

Each PORTAL transaction report must state whether the transaction was on an agency or principal basis, whether the dealer or broker submitting the report purchased or sold the securities, whether the transaction was a "short" sale, the quantity of the security sold or purchased, the price of the security expressed in the currency in which the security was quoted in the PORTAL Market, and such additional information as the NASD may require.[32] In addition, if the parties do not intend to use the PORTAL depository and clearance system for the clearance and settlement of a transaction, and the contra-party is an NASD member, the transaction report must include the identity of the NASD member that is the contra-party.[33]

2. PORTAL Surveillance Report

As a general rule, each PORTAL dealer and PORTAL broker must submit to the NASD, on a monthly basis, a PORTAL surveillance report that discloses every transaction effected during the preceding month for which that PORTAL dealer or PORTAL broker[34] was required to submit a PORTAL transaction report.[35] If a PORTAL dealer or PORTAL broker was not obligated to submit a PORTAL transaction report during the preceding month, it need not submit a PORTAL surveillance report for that month.

A PORTAL surveillance report must include for each transaction the same information that was included in the PORTAL transaction report for that transaction, a representation of whether the buyer was a QIB under Rule 144A, a non-QIB institution, or an individual investor,[36] and such additional information as the NASD may require.

3. PORTAL Non-Participant Reports

An NASD member that is not a PORTAL broker or PORTAL dealer must file with the NASD a PORTAL non-participant report if it executed a trade in a PORTAL security (other than with a PORTAL broker or PORTAL dealer) and an exception is not otherwise available under the PORTAL Market Rules. PORTAL non-participant reports must be filed with the NASD's Market

[28] The NASD may prescribe additional criteria for designation of PORTAL securities by filing with the Commission a proposed rule change, pursuant to Section 19(b) of the Exchange Act.

[29] The Commission received a comment letter regarding the proposal that argued that "because PORTAL securities are not as easily recognizable as Nasdaq or listed securities, it would be possible to effect a Rule 144A trade [without having used the PORTAL Market system] and miss the fact that a report is required, resulting in non-compliance." The Commission believes that because members will have sufficient notice of whether a security is a PORTAL security, the potential for unintentional non-compliance with the reporting requirements of the PORTAL Market Rules will be minimal. First, the NASD has stated that it intends to disseminate to all member firms a list of all PORTAL securities. This list will be periodically updated. Moreover, all PORTAL participants will have access through the PORTAL Market system to a daily list of PORTAL securities. Members that are not PORTAL participants may contact the NASD if they are uncertain whether a particular security is a PORTAL security. Members should also be able to identify a PORTAL security because restricted securities, with the exception of non-convertible debt securities and non-convertible preferred stocks which are rated in one of the top four categories by a Nationally Recognized Statistical Rating Organization ("NRSRO") ("investment grade securities"), are eligible for book-entry settlement through DTC only if they are PORTAL securities or are included on another qualified system.

[30] A PORTAL dealer or PORTAL broker is not obligated to submit a PORTAL transaction report for a transaction that is part of a primary offering in the United States by or on behalf of the issuer or its affiliate, but must submit a PORTAL surveillance report that includes such transaction.

[31] The PORTAL Market system will accept PORTAL transaction reports from 8:30 a.m. Eastern Time to 6:30 p.m. Eastern Time. If a transaction is executed during hours that the PORTAL Market system does not accept PORTAL transaction reports, the PORTAL transaction report must be entered between 8:30 a.m. Eastern Time and 9:30 a.m. Eastern Time when the PORTAL Market system is next open. The report must include the date of execution of the transaction.

[32] Any modification, correction, or cancellation of a PORTAL transaction report must be entered in the PORTAL Market system in a manner specified by the NASD.

[33] If the parties intend to clear and settle a transaction through the PORTAL depository and clearance system, the report must include the identity of the account where the transaction is to be settled.

[34] Only the member submitting a PORTAL transaction report for a transaction should include information regarding that transaction in its PORTAL surveillance report.

[35] Members need not submit PORTAL transaction reports or PORTAL surveillance reports for transactions in PORTAL securities that are part of a primary offering by or on behalf of the issuer or its affiliate if the offering is made outside the United States in reliance on Regulation S. A sale of PORTAL securities by a party in the United States to an entity outside of the United States must be reported in PORTAL transaction report if the sale was not part of a primary offering by or on behalf of the issuer or an affiliate.

[36] Amendment No. 6 to the proposed rule change eliminated the proposed requirement that PORTAL dealers and PORTAL brokers represent whether a sale was being made in reliance on Rule 144A or some other exemption from the registration requirements of section 5 of the Securities Act.

Surveillance Department by the Fifth day of the month following execution of the trade (*e.g.*, non-participant reports for trades executed in January must be filed by February 5). If more than one such member is participating in a transaction, only the member selling the PORTAL security, as principal or agent, must submit the PORTAL non-participant report. If only one such member is participating in the transaction, that member must submit the PORTAL non-participant report.

Each PORTAL non-participant report must include the following information: (1) Whether the transaction was on an agency or principal basis; (2) whether the member submitting the report purchased or sold the security; (3) whether the transaction was a "short" sale; (4) the quantity of the security sold or purchased; (5) the price of the security, expressed in the currency in which the security was quoted in the PORTAL Market; and (6) a representation of whether the buyer was a QIB under Rule 144A, a non-QIB institution, or an individual investor. The NASD also may require such additional information it deems necessary.[37]

E. Dissemination of Quotations and Transaction Information

The NASD will disseminate through the PORTAL Market system quotations and transaction information from 9:30 a.m. Eastern Time to 4 p.m. Eastern Time.[38] The PORTAL Market system will accept from PORTAL dealers and PORTAL brokers quotations that are one or two sided, firm or indicative. Quotes and indications of interest may be updated continuously. The best bid and offer will not be displayed separately.

The PORTAL Market system also will display on a real-time basis[39] the price and volume of each transaction in a PORTAL security[40] reported in a PORTAL transaction report. The PORTAL Market system also will display the daily aggregate volume of sales of PORTAL securities.[41]

F. Clearance and Settlement of PORTAL Securities

PORTAL participants may clear and settle their transactions in PORTAL securities through the PORTAL clearance and depository system or make other arrangements for clearance and settlement of their transactions.[42] The PORTAL dealer or PORTAL broker entering the PORTAL transaction report in the PORTAL Market system must state in the transaction report whether clearance and settlement for the transaction is to be accomplished through the PORTAL Market system.

If the PORTAL clearance and depository system is chosen and each participant in the transaction is either a PORTAL dealer or PORTAL broker, the PORTAL dealer or PORTAL broker that effects the purchase must, within 30 minutes after execution of the transaction: (1) Accept the PORTAL transaction report entered by the seller by entering in the PORTAL Market system a matching PORTAL comparison report with the same terms as the PORTAL transaction report; (2) reject the PORTAL transaction report entered by the seller by entering a PORTAL comparison report in the PORTAL Market system with terms different from those stated in the PORTAL transaction report; or (3) enter an affirmation or rejection in the PORTAL Market system with respect to the PORTAL transaction report entered by the seller. If only one participant in a transaction is a PORTAL dealer or PORTAL broker and the PORTAL Market system has been chosen for clearance and settlement of that transaction, the participant in the transaction that is not a PORTAL dealer or PORTAL broker may send through the PORTAL Market system only an affirmation or rejection of the PORTAL transaction report. If neither participant in a transaction is a PORTAL dealer or a PORTAL broker, the PORTAL Market system may not be used for clearance and settlement of the transaction.

If a PORTAL transaction report and a PORTAL confirmation report match, or if an affirmation has been entered regarding the PORTAL transaction report, the PORTAL Market system will automatically route the transaction for clearance and settlement.[43] If, however, the PORTAL comparison report does not match the PORTAL transaction report, or if a rejection has been entered regarding the PORTAL transaction report, the participants in the transaction must resubmit corrected versions of both reports if a mistake has been made, renegotiate the transaction, or cancel the transaction.[44]

If a transaction in a PORTAL security is routed for clearance and settlement, the transaction will, unless otherwise agreed by the PORTAL participants, settle five business days after the date the transaction is executed, in any currency accepted by the PORTAL depository organization. PORTAL securities and funds will be transferred on the books of the PORTAL depository system when the PORTAL clearing system receives the necessary settlement instructions from the appropriate PORTAL dealer or PORTAL broker. Final settlement of a transaction is subject to the purchaser meeting the requirements of the relevant PORTAL depository organization concerning

[37] Modifications, corrections, or cancellations of PORTAL non-participant reports must be submitted in the manner specified by the NASD.

[38] The NASD has stated that it has considered the effect of the PORTAL Market on the capacity and vulnerability of the NASDAQ System. The NASD represented that it believes that the system has adequate capacity to withstand foreseeable peak volumes and is reasonably designed to guard against physical threats, including internal and external hackers and viruses. In addition, the NASD stated that the PORTAL Market will operate independently of the NASDAQ System and will utilize different hardware and software. The Association states that operation and system capacity of the NAQSDAQ System, therefore, cannot be effected in any manner by the operation of the PORTAL Market. The NASD also has considered the security issues surrounding the ability of PORTAL participants to access the PORTAL Market through telephone links with a personal computer and submitted to the Commission a description of the necessary procedures to access the system. The NASD stated that it has taken the necessary precautions to ensure that the PORTAL Market will not be accessed by unauthorized persons. See letter from Suzanne E. Rothwell, Associate General Counsel, NASD, to Eugene Lopez, Assistant Director, Division of Market Regulation, SEC (October 15, 1993).

[39] Although the NASD will not delay data dissemination, the last-sale data displayed on the PORTAL Market system may represent trades that were effected as much as 15 minutes prior to dissemination.

[40] Prior to its amendment, the proposal allowed only data for trades made in reliance on Rule 144A to be disseminated through the PORTAL Market system. See Securities Exchange Act Release No. 30508. In response to commentators, this restriction was removed. See Securities Exchange Act Release No. 32016.

[41] The NASD will not disseminate, on a real-time basis, information from PORTAL transaction reports that are entered in the PORTAL Market system between 8:30 a.m. Eastern Time and 9:30 a.m. Eastern Time, and between 4 p.m. Eastern Time and 6:30 p.m. Eastern Time. Nor will the NASD disseminate through the PORTAL Market system information from PORTAL non-participant reports. The daily aggregate volume of transactions, however, will include the volume of transactions that are entered in the PORTAL Market system between 8:30 a.m. Eastern Time and 6:30 p.m. Eastern Time.

[42] PORTAL dealers and PORTAL brokers that settle transactions in PORTAL securities outside the PORTAL clearance and depository system assume responsibility for the prompt settlement of those transactions in accordance with the protocols of the settlement methods used. These transactions will not be compared in the PORTAL Market.

[43] The existence and terms of each PORTAL contract will be conclusively established by a match of the PORTAL transaction report and the PORTAL comparison report for the transaction. The parties to any PORTAL contract, however, may modify or correct the terms of any transaction in a PORTAL security in a manner consistent with the PORTAL Market rules. A PORTAL qualified investor is required to accept a partial deliver on any PORTAL contract due, provided the portion remaining undelivered is not an amount that includes an odd lot which was not part of the original transaction

[44] The facilities of the NASD's Arbitration Department and the Code of Arbitration Procedure will be available to PORTAL participants to resolve disputes arising from transactions in PORTAL securities.

deposit and availability of funds in accordance with the depository organization's procedures.[45]

G. Short Sale Provisions

The proposal will not prohibit short sale transactions in PORTAL securities. Prior to accepting a short sale order for any PORTAL security from a PORTAL qualified investor, a PORTAL dealer or PORTAL broker must make an affirmative determination that by the settlement date it will either: (1) Receive delivery of the security from the investor; or (2) be able to borrow the securities on the investor's behalf for delivery.[46] Similarly, a PORTAL dealer, prior to effecting a short sale in any PORTAL security for its own account, must make an affirmative determination that it can borrow the security, or otherwise provide for delivery of the security by the settlement date. A PORTAL dealer effecting a short sale for its own account is not required to make such a determination if the transaction is a bona fide market-making transaction where the PORTAL dealer is publishing a two-sided quotation in the PORTAL Market, or if the transaction results in fully hedged or arbitraged positions.

The proposal eliminates from the provisions governing short sales the requirement that PORTAL dealers or PORTAL brokers indicate on the memorandum for the sale of any security whether the order was "short." This requirement is duplicative in that the NASD's Interpretation of the Board of Governors—Books and Records, Article III, Section 21 of the Rules of Fair Practice, which will continue to apply to transactions in PORTAL securities under the new rules, contains this requirement.

[45] Concurrent with the approval of the proposed rule change to the PORTAL Market Rules, the Commission is approving a proposed rule change filed with the Commission by DTC. *See* Securities Exchange Act Release No. 33327 (December 13, 1993). This rule change will make eligible for DTC's book-entry delivery and other services all restricted securities eligible for transfer in reliance on Rule 144A, provided that any such securities (other than investment grade securities) are included within a system of a self-regulatory organization ("SRO") approved by the Commission for the reporting of quotation and trade information of Rule 144A transactions. The securities must continue to be included in such a system to remain DTC-eligible. Under both proposals, DTC will request any SRO that is operating such an approved system to notify DTC if any DTC-eligible Rule 144A security is removed from the system, whereupon DTC will take all appropriate steps to make the security ineligible for DTC's services.

[46] A security obtained from outside the PORTAL Market may not be used to cover a short position in a PORTAL security. Nor may a PORTAL security be used to cover a short position in a non-PORTAL security.

IV. Comments

As noted above, the Commission received six letters in response to the March 1992 notice and one comment letter in response to the March 1993 notice.[47] Many of these comment letters raised similar concerns. The commentators challenged the need for mandatory trade reporting in the PORTAL Market,[48] the timing of those reports,[49] the information elements to be included in those reports,[50] and the expense of preparing and filing those reports. In addition, commentators argued that the proposal should be modified so that certain types of securities that do not meet the definition of a "restricted security" in Rule 144(a)(3) may be designated as "PORTAL securities."[51]

[47] Several firms that submitted comment letters regarding the 1992 notice also participated in the preparation of the SIA's 1993 comment letter.

[48] Commentators stated that because quotations for the majority of Rule 144A securities are not actively disseminated, and because trading volume in such securities is generally low, it appears that real-time trade information "is not necessary or even particularly important to the Rule 144A secondary trading market." Commentators stated further that the representations supplied in PORTAL surveillance reports and PORTAL non-participant reports are not necessary because they do not provide an efficient means of surveilling the market, because there has been no indication of a problem of leakage of Rule 144A securities into the public market, and because sellers of such securities are already subject to the securities laws of the United States.

Commentators also argued against transaction reporting for non-investment grade debt securities. They stated that because virtually all debt securities are traded in an over-the-counter market, compliance with the reporting requirements would require installation of PORTAL terminals, the development of related systems, and training of traders and support personnel.

[49] Several commentators objected to the requirement that PORTAL transaction reports be submitted to the NASD within 15 minutes after execution of a transaction. The commentators stated that because there is currently no computer interface between the PORTAL Market system and the firms' internal systems, and because some of the firms' trading departments currently do not have the necessary terminals, they will have to acquire additional hardware and employ additional personnel to be able to submit the PORTAL transaction reports within 15 minutes after execution of a transaction in a PORTAL security.

[50] Two commentators objected to the requirement in the proposal (as noticed in 1992) that PORTAL transaction reports include representations of the type of purchaser and the basis for the exemption from Securities Act registration. In response to these comments, the NASD amended the proposal to eliminate that requirement.

[51] Commentators stated that if securities are subject to transfer restrictions imposed by the issuer and the depositary that prohibit transfers of the securities except in reliance on Rule 144A, Regulations S, or, if available, in accordance with Rule 144, and if those securities bear CUSIP numbers different from those borne by any unrestricted shares of the same class (or any depositary receipts representing unrestricted shares), those securities should be eligible for designation as PORTAL securities, regardless of whether the securities would be considered "restricted securities" within the meaning of Rule 144(a)(3). Some commentators also argued that depositary receipts subject to transfer and CUSIP restrictions, which are issued to OTRs upon deposit of an unrestricted security acquired from an offshore holder which, in turn, acquired the security in transaction complying with Regulation S, or upon exchange for an unrestricted depositary receipt sold to a QIB, should be eligible for inclusion in the PORTAL Market and for clearance and settlement through the facilities of DTC. Commentators further argued that depositary receipts subject to transfer and CUSIP restrictions that are issued outside of the United States in reliance on Regulation S and are later resold to a QIB in the United States should be eligible for inclusion in the PORTAL Market and DTC.

V. Discussion

The Commission believes that the rule change is consistent with the Exchange Act and the rules and regulations promulgated thereunder. Specifically, the Commission believes that approval of the proposed rule change is consistent with Sections 15A(b)(6),[52] 15A(b)(9)[53] and 15A(b)(11)[54] of the Exchange Act.

A. Sections 15A(b)(6), 15A(b)(9) and 15A(b)(11) of the Exchange Act

The Commission believes that the proposed rule change is consistent with the requirements of sections 15A(b)(6), 15A(b)(9) and 15A(b)(11), and will be a significant step toward bringing to the market for restricted securities that may be sold in reliance on Rule 144A ("Rule 144A securities") the technological efficiency, transparency, and investor protection mandated by those sections. When it approved the PORTAL Market Rules in 1990, the Commission anticipated that eventually much of the trading in Rule 144A securities would

[52] Section 15A(b)(6) requires the Commission to determine that a registered national securities association's rules are:

Designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulation, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

[53] Section 15A(b)(9) requires the Commission to determine that a registered national securities association's rules do not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

[54] Section 15A(b)(11) requires the Commission to determine that a registered national securities association's rules include:

Provisions governing the form and content of quotations relating to securities sold otherwise than on a national securities exchange which may be distributed or published by any member or person associated with a member, and the persons to whom such quotations may be supplied. Such rules relating to quotations shall be designed to produce fair and informative quotations, to prevent fictitious or misleading quotations, and to promote orderly procedures for collecting, distributing, and publishing quotations.

take place through computer and communications systems, such as the PORTAL Market system. For various reasons, however, the PORTAL Market has not developed to the extent expected, and other systems conceived to facilitate trading in such securities [55] have not been implemented. No last sale trade information for transactions in Rule 144A securities is available, clearance and settlement of such transactions is arranged on an ad hoc basis, and information necessary for market surveillance is limited.

The Commission believes that by improving the PORTAL Market system, the proposed rule change will enhance the technological efficiency of the market in such restricted securities. The PORTAL Market system should facilitate execution and clearance and settlement of transactions in such securities, and foster cooperation and coordination among PORTAL participants, the NASD, DTC, and the SEC regarding transactions in PORTAL securities.[56] By providing the facility for any NASD member that is PORTAL participant to enter and update quotations on any PORTAL security, and by allowing any PORTAL participant, including PORTAL qualified investors, to access those quotations, the PORTAL system will permit PORTAL participants to determine the price at which they may sell or purchase the securities in a more timely and cost-effective manner. The more efficient communication of bid and ask quotations among the participants also should enhance the pricing accuracy of the market. The proposed rule change, as well as the companion filing by DTC, also should facilitate more efficient clearance and settlement of transactions in PORTAL securities by making available to PORTAL participants a centralized automated system for comparison of trade reports and the forwarding of transactions to DTC for clearance and settlement.[57]

The proposal also will enhance the transparency of the PORTAL Market by allowing dissemination of bid and ask quotations and last-sale trade information for transactions by NASD members in PORTAL securities. Because this market comprises legally and contractually restricted securities, access to the disseminated information will continue to be limited to qualified investors that are registered as PORTAL participants. Nonetheless, the increase in transparency should benefit the market in these securities in a number of ways. By allowing investors to assess, after the fact, the quality of the execution they receive, the availability of last-sale trade information should enhance investor protection. Moreover, by increasing the integrity of the market and fostering investor confidence in that market, increased transparency should encourage greater participation in that market. In addition, an increase in transparency in the market should promote the pricing efficiency of the market by facilitating price discovery and open competition.[58]

The proposal should promote investor protection and generally prevent fraudulent and manipulative acts and practices. For example, member transactions in (or recommendations of) PORTAL securities will be subject to the NASD's Rules of Fair Practice, Interpretations, Policies, and Explanations adopted thereunder that are germane to trading in restricted securities.[59] Moreover, the proposal provides an appropriate array of remedial measures the NASD can implement in the event of rule violations by members.[60] In addition, the proposal authorizes the NASD to terminate the registration of a PORTAL qualified investor if the investor's application contains untrue statements or if the investor no longer qualifies as a QIB under rule 144A. Similarly, the rules allow the NASD to suspend or terminate designation of a PORTAL security if the NASD determines that the security does not meet the requirements of the PORTAL Market Rules or if any application or other document relative to such security contains an untrue statement of a material fact or omits to state a material fact necessary to make the statements therein not misleading.

Perhaps the most important provisions for investor protection in the proposal are the requirements that all transactions in PORTAL securities by members be reported to the NASD in PORTAL transaction reports and PORTAL surveillance reports. The reports that the NASD will receive from members should significantly enhance the NASD's and the SEC's ability to surveil the PORTAL Market by allowing the NASD easy and timely access to information needed for monitoring the market, and by allowing construction of audit trails reflecting member's daily trading in PORTAL Securities.

The Commission finds that the proposed rule change is consistent with section 15A(b)(9) of the Act in that it does not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. Although a number of commentators have criticized the reporting requirements in the proposal. The Commission believes that it is appropriate for the NASD as the SRO that established the PORTAL Market to determine the type of information, and the timing for submission of that information, that is needed to allow for proper surveillance of the market [61] and provide a degree of transparency. Moreover, the Commission believes that the statutory goals of Section 15A (b)(6) and (b)(11) would be significantly compromised if it approved a proposal that required less information to be submitted, or allowed for a further delay in the reporting of transactions. For example, a time period longer than 15 minutes for submission of PORTAL transaction reports would likely reduce the utility of the disseminated last-sale information, and might cause the disseminated information to be misleading.

The Commission acknowledges that the reporting requirements of the PORTAL Market Rules would entail some additional expenditure by PORTAL participants, but believes that the necessary expenditure should be comparatively small. The amended version of the proposal no longer requires member firms to include in PORTAL transaction reports representations regarding the type of transaction and the type of investor purchasing the securities. PORTAL transaction reports will thus require no more information than that typically

[55] See file No. SR-NYSE-90-45 (New York Stock Exchange ("NYSE") System 144A proposal).

[56] Although PORTAL securities are not qualified for trading in the national market system, the provisions of the proposed rule change are consistent with the Congressional goals of creating more efficient and effective market operations and assuring economically efficient execution of securities transactions, set forth in section 11A of the Exchange Act.

[57] The provisions of the proposed rule change relating to the clearance and settlement of transactions in PORTAL securities also are consistent with the provisions of section 17A of the Exchange Act.

[58] See Securities Exchange Act Release No. 32019 (March 19, 1993), 58 FR 12428 (order approving proposed operation of a pricing system for certain high yield fixed income securities).

[59] See *supra* note 23 and accompanying text. The NASD's Rules of Fair Practice contain a number of provisions specifically relating to the accuracy of quotations. See e.g., Article III, Section 5.

[60] For example, the proposal states that the NASD may suspend or terminate the registration of any PORTAL dealer of PORTAL broker if the dealer or broker fails to comply with any requirement of the PORTAL Market Rules or if any application or other document submitted by or on behalf of the dealer or broker contains an untrue statement of a material fact or omits to state a material fact necessary to make the statements therein not misleading.

[61] The NASD is required to enforce member compliance with the federal securities laws as well as NASD Rules. See Section 15A of the Exchange Act.

included in transaction reports for the Nasdaq market. Moreover, the NASD expects that its members will have several alternatives available when submitting the required reports. Member firms will be able to obtain access to the PORTAL system through their existing Nasdaq workstations. The NASD also is developing a computer interface between the NASD and member firms that should allow for easy submission of PORTAL transaction reports and PORTAL surveillance reports.[62] Finally, the NASD has represented that it, in order to permit members to modify their internal procedures, will delay the effective date of the reporting requirements of the proposal by as long as six months.[63]

Commentators also questioned the extension of the reporting requirements to transactions in non-investment grade debt securities that are PORTAL securities. The NASD responded that extension of the reporting requirements appears appropriate given that the volatility of non-investment grade corporate debt tends to be similar to that of corporate equity securities, and that the securities are restricted and will be transferable by book-entry movement.

The Commission believes that the market for non-investment grade debt eligible to be sold in reliance on Rule 144A would greatly benefit from the increased transparency that will result from the dissemination of last-sale transaction information. Indeed, the Commission recently approved rules for the NASD's Fixed Income Pricing System ("FIPS"), which require trade reporting and dissemination of last-sale transaction information for one portion of the market for registered non-investment grade debt, and expressed the hope that the NASD would continue to expand the range of securities that are eligible for trade reporting.[64] In that context, the Commission recognized that where debt securities trade in a manner similar to that of equity securities, it is appropriate for SROs to mandate transaction reporting for those securities.

Moreover, as explained above, because member firms will be able to access the PORTAL system through their existing Nasdaq workstations and will be able to establish computer to computer interfaces with the NASD's system to submit PORTAL transaction reports and PORTAL surveillance reports, the Commission believes that the expenditure necessary to comply with the reporting requirements of the PORTAL Market Rules should be comparatively small.

In sum, the Commission believes that the proposal will further the Commission's efforts to increase secondary market liquidity in restricted securities eligible to be sold in reliance on Rule 144A, while providing appropriate controls to protect against violations of the federal securities laws. Although commentators have expressed concern about compliance costs, the Commission is satisfied that monthly reporting of trades in PORTAL securities will further specific statutory goals, and that the proposed reporting obligations for PORTAL dealers and PORTAL brokers reflect judgments by a marketplace SRO about the minimum obligations dealers and brokers must assume to provide price efficiency and ensure investor confidence. On this record, the Commission cannot find that those obligations are inconsistent with the Exchange Act or the Securities Act, or impose a burden on competition not necessary or appropriate in furtherance of those Acts.

VI. Conclusion

For the above reasons, the Commission believes that the proposed rule change is consistent with the provisions of the Securities Act and Sections 15A(b)(6), 15A(b)(9) and 15A(b)(11) of the Exchange Act.

It therefore is ordered, pursuant to Section 19(b)(2) of the Exchange Act,[65] that the proposed rule change (SR-NASD-91-05) be, and hereby is approved.

By the Commission.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93-30910 Filed 12-17-93; 8:45 am]

BILLING CODE 8010-01-M

[62] In its letter responding to comments on the amended proposal, the NASD stated that some member firms may employ separate systems in each trading department, rather than a single firm-wide system, for their internal trade processing. Commentators argued to the NASD that because PORTAL securities may be traded in several different departments, a firm using separate systems would have to arrange for a number of computer interfaces with the NASD, and thus incur greater costs. The NASD responded that the firms "can choose to establish a [computer-to-computer interface] with respect to one or more of the sub-systems where it is likely that reporting will be significant, but rely on manual entry of the 15-minute transaction reports directly into the PORTAL Market system in those parts of the firm where there is less active trading in PORTAL securities." The NASD also stated that it is meeting with members of the International Operations Association to determine the extent to which broker-dealer firms have decentralized computer and trade processing systems operating in different areas of their business, and to determine further the views of market participants regarding the timing of the proposed reporting requirements. Letter from Suzanne E. Rothwell, Associate General Counsel, NASD, to Elizabeth H. MacGregor, Branch Chief, Division of Market Regulation, SEC (August 12, 1993).

[63] *Id*

[64] See Securities Exchange Act Release No. 32019. The FIPS rules require members to submit, within five minutes, trade reports on all OTC transactions executed in FLPS securities, and to report information on all other transactions in registered high yield bonds on a daily basis.

[65] 15 U.S.C. 78s(b)(2) (1988).

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Dwight David Eisenhower Transportation Fellowship Program

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice inviting fellowship application.

SUMMARY: The Federal Highway Administration announces the fiscal year (FY) 1994 Eisenhower Transportation Fellowship Program. The objectives of the overall program are to attract the Nation's brightest minds to the field of transportation, to enhance the careers of transportation professionals, and to retain top talent in the transportation community of the United States. This notice contains instructions for submitting applications for the six fellowships under the program.

DATES: The closing date for submission of applications under this announcement is February 15, 1994.

FOR FURTHER INFORMATION CONTACT: Ms. Ilene D. Payne, Director, Universities and Grants Programs, National Highway Institute (HHI-20), Federal Highway Administration, 6300 Georgetown Pike (room F-203), McLean, Virginia 22101; Tel: (703) 285-2785, FAX: (703) 285-2791. Office hours are from 7:30 a.m. to 4 p.m., e.t., Monday through Friday, except legal Federal holidays.

SUPPLEMENTARY INFORMATION: The Dwight David Eisenhower Transportation Fellowship Program was authorized by section 6001 of the Intermodal Surface Transportation Efficiency Act of 1991, Public Law 102-240, 105 Stat. 1914. The program is expected to enhance the educational level of the transportation work force in the United States. The program will contribute to the talent pool in transportation because it encourages students from their senior year through the post doctorate level to pursue careers in fields related to transportation.

The Eisenhower Program is a DOT-wide fellowship program and is managed by the National Highway Institute. The program was developed in the Summer of 1992. Brochures were published and distributed in the Fall of 1992. The first fellowships were awarded in the Spring of 1993. FY 1994 funding for the program is $2 million and it is expected to serve 150 fellows.

All fellows must be in a field of study which is directly related to transportation. For students pursuing degrees, the fellow's degree program must contain a major, minor or emphasis in transportation. In addition, each fellowship has specific requirements unique to that fellowship.

The six fellowships are: Eisenhower Graduate Fellowships, to enable students to pursue Masters Degrees or Doctorates in transportation-related fields at the school of their choice;

Eisenhower Grants for Research Fellowships (GRF), to acquaint students with transportation research, development, and technology transfer activities at the U.S. Department of Transportation;

Eisenhower Historically Black Colleges and Universities (HBCU) Fellowships, to provide HBCU students with additional opportunities to enter careers in transportation (announcements are issued by recipient HBCUs; students to apply directly to recipient HBCUs);

Eisenhower Hispanic Serving Institutions (HSI) Fellowships, to provide HSI students with additional opportunities to enter careers in transportation, this award is in the pilot stage with fellowships to be awarded for the Fall 1994 semester;

Eisenhower Post Doctorate Fellowships, to enable GRF students to continue research initiated during a GRF assignment; and

Eisenhower Faculty Fellows, to provide talented faculty in transportation fields with opportunities to improve their transportation knowledge, including attendance at conferences, courses, seminars, and workshops.

Applications must be submitted by February 15, 1994, and will be evaluated by review panels. All applicants will be notified of the results of the panel evaluation. Each fellowship has specific requirements and forms which can be obtained by writing a letter of request to the address listed under the caption "FOR FURTHER INFORMATION CONTACT."

Authority: 23 U.S.C. 307(a)(1)(C)(ii) and 315; 49 CFR 1.48.

Issued on: December 10, 1993.

Rodney E. Slater,

Federal Highway Administrator.

[FR Doc. 93-30986 Filed 12-17-93; 8:45 am]

BILLING CODE 4910-22-P

Sunshine Act Meetings

Federal Register
Vol. 58, No. 242
Monday, December 20, 1993

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 11:00 a.m., Friday, January 7, 1994.

PLACE: 2033 K St., NW., Washington, DC, 8th Floor Hearing Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance Matters.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 254–6314.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 93-31058 Filed 12–16–93; 11:02 am]

BILLING CODE 6351-01-M

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 11:00 a.m., Friday, January 14, 1994.

PLACE: 2033 K St., NW., Washington, DC, 8th Floor Hearing Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance Matters.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 254–6314.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 93-31059 Filed 12–16–93; 11:02 am]

BILLING CODE 6351-01-M

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 11:00 a.m., Friday, January 21, 1994.

PLACE: 2033 K St., NW., Washington, DC, 8th Floor Hearing Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance Matters.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 254–6314.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 93-31060 Filed 12–16–93; 11:02 am]

BILLING CODE 6351-01-M

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 11:00 a.m., Friday, January 28, 1994.

PLACE: 2033 K St., NW., Washington, DC, 8th Floor Hearing Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance Matters.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 254–6314.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 93-31061 Filed 12–16–93; 11:02 am]

BILLING CODE 6351-01-M

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Cancellation of Agency Meeting and Notice of Change in Time of Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the previously announced meeting (open session) of the Board of Directors of the Federal Deposit Insurance Corporation scheduled to be held on Tuesday, December 21, 1993, at 10:00 a.m. has been cancelled and that the meeting (closed session) scheduled for 10:30 a.m. on Tuesday, December 21, 1993, has been rescheduled for 10:00 a.m. that same day.

No earlier notice of this cancellation and change in the time of the meeting was practicable.

Dated: December 15, 1993.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Deputy Executive Secretary.

[FR Doc. 93-31024 Filed 12–16–93; 9:08 am]

BILLING CODE 6714-01-M

FEDERAL ENERGY REGULATORY COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: December 13, 1993, 58 FR 65238.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: December 15, 1993, 10:00 a.m.

CHANGE IN THE MEETING: The following Docket Numbers have been added to Items CAG-2, RS-1 and RS-12 on the Agenda scheduled for December 15, 1993:

Item No., Docket No., and Company

CAG-2—RP94-27-000, Transcontinental Gas Pipe Line Corporation

RS-1—RP93-5-000, Northwest Pipeline Corporation

RS-12—RP91-138-000, Florida Gas Transmission Company

Lois D. Cashell,

Secretary.

[FR Doc. 93-31129 Filed 12–16–93; 2:06 pm]

BILLING CODE 6712-02-M

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

TIME AND DATE: 10:00 a.m., Thursday, December 16, 1993.

PLACE: Room 600, 1730 K Street, NW., Washington, DC.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following:

1. *Secretary of Labor v. Prabhu Deshetty,* Docket No. KENT 92-549. (Issues include whether the judge erred in finding that Prabhu Deshetty knowingly authorized, ordered or carried out a violation of 30 CFR 75.400 within the meaning of 30 U.S.C. § 820(c).)

Any person attending this meeting who requires special accessibility features and/or auxiliary aids, such as sign language interpreters, must inform the Commission in advance of those needs. Subject to 29 CFR 2706.150(a)(3) and 2706.160(e).

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen (202) 653–5629 / (202) 708–9300 for TDD Relay / 1–800–877–8339 for toll free.

Jean H. Ellen,

Agenda Clerk.

[FR Doc. 93-31133 Filed 12–16–93; 3:41 pm]

BILLING CODE 6735-01-M

federal register

Monday
December 20, 1993

Part II

Environmental Protection Agency

40 CFR Part 191

Environmental Radiation Protection Standards for the Management and Disposal of Spent Nuclear Fuel, High-Level and Transuranic Radioactive Wastes; Final Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 191

[FRL-4813-5]

Environmental Radiation Protection Standards for the Management and Disposal of Spent Nuclear Fuel, High-Level and Transuranic Radioactive Wastes

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The U.S. Environmental Protection Agency (EPA) is promulgating amendments to the environmental standards for the disposal of spent nuclear fuel, high-level and transuranic radioactive wastes (40 CFR 191.15 and subpart C).

EPA originally promulgated these standards in 1985 pursuant to the Agency's authorities and responsibilities under the Nuclear Waste Policy Act of 1982, as amended, the Atomic Energy Act of 1954, as amended, and § 2(a)(6) of Reorganization Plan No. 3 of 1970 (5 U.S.C. app. 1). In 1987, following a legal challenge, the U.S. Court of Appeals for the First Circuit (hereinafter referred to as "the First Circuit" or "the court") remanded subpart B of the 1985 standards to the Agency for further consideration. *Natural Resources Defense Council, Inc.* v. *United States Environmental Protection Agency,* 824 F.2d 1258 (1st Cir. 1987). Recently enacted legislation, (Pub. L. 102-579) known as the Waste Isolation Pilot Plant Land Withdrawal Act (WIPP LWA), however, reinstates the 1985 disposal standards except "the 3 aspects of §§ 191.15 and 191.16 of such [standards] that were the subject of the remand ordered" by the First Circuit. The WIPP LWA directs EPA to expedite issuance of final disposal standards and specifies that such regulations shall not be applicable to the characterization, licensing, construction, operation or closure of any site required to be characterized under § 113(a) of Public Law 97-425, the Nuclear Waste Policy Act of 1982.

Today's action represents the Agency's response to this legislation and to the issues raised by the court pertaining to individual and ground-water protection requirements. After considering the relevant comments received on the February 10, 1993 proposed rulemaking, the Agency has taken this final action in the form of amendments to part 191 of title 40 of the Code of Federal Regulations. In so doing, EPA has not revised any of the regulations reinstated by the WIPP LWA.

DATES: These amendments will become effective on January 19, 1994. These amendments will be promulgated for purposes of judicial review at 1 p.m. eastern standard time on December 20, 1993.

ADDRESSES: *Background Information:* The technical information considered in developing these amendments is summarized in the final Background Information Document (BID) for the amendments to 40 CFR part 191. In addition, the potential economic costs of these amendments are contained in the Economic Impact Analysis (EIA). Single copies of either of these documents may be obtained by writing to the Waste Standards and Risk Assessment Branch, Criteria and Standards Division (6602J), Office of Radiation and Indoor Air, U.S. Environmental Protection Agency, Washington, DC 20460-0001 or by calling 202-233-9310.

Docket: Materials relevant to this rulemaking are contained in Docket No. R-89-01, located in room 1500 (first floor in Waterside Mall near the Washington Information Center), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC. The docket may be inspected between 8:30 a.m. and 12 noon and between 1:30 p.m. and 3:30 p.m. on weekdays. As provided in 40 CFR part 2, a reasonable fee may be charged for photocopying docket materials.

FOR FURTHER INFORMATION CONTACT: Ray Clark or Tara Chhay Cameron, Criteria and Standards Division (6602J), Office of Radiation and Indoor Air, U.S. Environmental Protection Agency, Washington, DC 20460-0001; telephone number 202-233-9310.

SUPPLEMENTARY INFORMATION:

Radioactive wastes are the result of governmental and commercial uses of nuclear fuel and other radioactive material. Today's action addresses standards which pertain to the disposal of spent nuclear fuel, high-level radioactive waste (HLW), and transuranic (TRU) radioactive waste, referred to hereinafter as simply "waste." (The Agency has previously issued standards for uranium mill tailings, 40 CFR part 192 and 40 CFR part 61, and plans to issue standards for low-level radioactive wastes to be codified at 40 CFR part 193.)

Fissioning of nuclear fuel in nuclear reactors creates what is known as "spent" or irradiated nuclear fuel. Sources of spent nuclear fuel include: (1) Commercial nuclear power plants; (2) government-sponsored R&D programs in universities and industry; (3) experimental reactors, e.g., liquid metal fast breeder reactors and high-temperature gas-cooled reactors; (4) U.S. Government-controlled nuclear weapons production reactors; and (5) naval reactors and other U.S. Department of Defense reactors. Most spent fuel is currently being stored in water pools at reactor sites where it is produced.

Spent nuclear fuel from defense reactors is routinely reprocessed to recover unfissioned uranium and plutonium for use in weapons programs. Most of the radioactivity goes into acidic liquid wastes that will later be converted into various types of solid materials. These highly radioactive liquid or solid wastes from reprocessing spent nuclear fuel have traditionally been called "high-level" wastes. If it is not to be reprocessed, the spent fuel itself becomes a waste. Only one facility for reprocessing commercial spent fuel, the Nuclear Fuel Services Plant in West Valley, New York, has operated in the United States; it was closed in 1972. No commercial spent fuel is being reprocessed in the United States at this time. The HLW derived from other reprocessing activities are presently stored on Federal reservations in South Carolina, Idaho, and Washington.

Transuranic wastes, as defined in this rule, are materials containing elements having atomic numbers greater than 92 in concentrations greater than 100 nanocuries of alpha-emitting isotopes, with half-lives greater than twenty years, per gram of waste. Most transuranic wastes are items that have become contaminated as a result of activities associated with the production of nuclear weapons (e.g., rags, equipment, tools, and contaminated organic and inorganic sludges). These wastes are currently being stored on Federal reservations in Colorado, Idaho, Nevada, New Mexico, Ohio, South Carolina, Tennessee, and Washington.

History of Today's Action

Under authority derived from the Atomic Energy Act of 1954, as amended (AEA) (42 U.S.C. 2011-2296), and Reorganization Plan No. 3 of 1970 (5 U.S.C. [app. at 1343]), EPA is responsible for developing generally applicable environmental standards for protection of the general environment from radioactive material.

In December 1976, the Agency announced its intent to develop Federal guidance for the management and disposal of all types of radioactive wastes. Among EPA's first activities in developing this guidance was a series of public workshops, conducted in 1977 and 1978, in order to gain a better understanding of public concerns and issues associated with radioactive waste disposal. EPA proposed "Criteria for Radioactive Wastes" in 1978 but withdrew the proposed criteria in 1981 because the many different types of radioactive wastes made the issuance of generic disposal guidance impractical.

Regulatory development efforts continued and on December 29, 1982, EPA published a proposed rule titled, "40 CFR part 191, Environmental Standards for the Management and Disposal of Spent Nuclear Fuel, High-Level and Transuranic Radioactive Wastes" (47 FR 58196). Shortly thereafter the Nuclear Waste Policy Act of 1982 was enacted which directed that EPA utilize its existing authority to promptly promulgate waste standards pursuant to the AEA. EPA responded on September 19, 1985 by issuing final "Environmental Standards for the Management and Disposal of Spent Nuclear Fuel, High-Level and Transuranic Radioactive Wastes" at 40 CFR part 191 (50 FR 38066).

In March 1986, a number of States and environmental groups filed petitions for review of the rule. The petitions for review were consolidated in the First Circuit. The court issued its ruling on July 17, 1987. *NRDC* v. *EPA*, 824 F.2d 1258 (1st Cir. 1987). As discussed below in detail, the First Circuit found certain aspects of EPA's 1985 standards arbitrary and capricious because, although the Safe Drinking Water Act (SDWA) and the part 191 rules addressed similar environmental goals, EPA failed to adequately explain substantive discrepancies in the protective standards of the two programs. Accordingly, the court vacated and remanded:

(1) The Individual Protection Requirements (§ 191.15) for further consideration of their inter-relationship with part C of the SDWA and for further explanation of the 1,000-year time frame for the requirements;

(2) The Ground-Water Protection Requirements (§ 191.16) for insufficient notice; and,

(3) The rest of 40 CFR part 191 even though all except the two sections listed above were either unchallenged or upheld.

On rehearing, the government requested reinstatement of all sections except §§ 191.15 and 191.16. In September 1987, the court reinstated the management and storage standards (subpart A) but left the entirety of the disposal standards (subpart B, which includes §§ 191.15 and 191.16) in remand. *NRDC* v. *EPA*, Nos. 85–1915, 86–1096, 86–1097, 86–1098 (1st Cir.), Order dated September 23, 1987.

On October 30, 1992, the WIPP LWA was enacted. The law reinstated all of the disposal standards issued by the Agency in 1985 that had been remanded by the court in 1987 except the individual and ground-water protection requirements which were the basis of the remand. WIPP LWA, section 8. The WIPP LWA also provides an extensive role for EPA in reviewing and approving various DOE activities at the WIPP including requirements that EPA approve test phase and retrieval plans, and certify whether the performance of the WIPP repository will meet the final 40 CFR part 191 standards. The Agency will conduct separate rulemakings to address those matters.

As required by the WIPP LWA, EPA is today addressing the remand of the 1985 version of 40 CFR 191.15 and 191.16 by promulgating a new § 191.15 and a new subpart C. This represents the Agency's response to the WIPP LWA and to the issues raised in the remand.

It is important to note that under the WIPP LWA, subparts B and C of 40 CFR part 191 will not apply to any disposal site required to be characterized under section 113(a) of Public Law 97–425, the Nuclear Waste Policy Act of 1982 (NWPA). At this time, the only site affected is Yucca Mountain, Nevada. The NWPA required characterization of candidate sites approved by the President after an extensive nomination, recommendation, and evaluation process. Public Law 97–425, sections 112, 113 (1982), 42 U.S.C. 10132, 10133. The 1987 amendments to section 113 of the NWPA limited characterization activities to the Yucca Mountain site only (42 U.S.C. 10133(a)) and defined "Yucca Mountain site" as the candidate site recommended to the President on May 27, 1986 under 42 U.S.C. 10132(b)(1)(B). Public Law 100–203, sections 5002, 5011(e). Thus, 40 CFR part 191 does not apply to the Yucca Mountain site because the Yucca Mountain site is a site that is required to be characterized under section 113(a) of Public Law 97–425.

Finally, the Energy Policy Act of 1992 requires EPA to promulgate public health and safety standards for protection of the public from releases of radioactive materials stored or disposed of in the potential repository at the Yucca Mountain site. Public Law 102–486, section 801(a)(1), 106 Stat. 2921.

Objective and Implementation of Today's Action

Under authorities established by the AEA, Reorganization Plan No. 3 of 1970, the NWPA and the WIPP LWA, the Agency is promulgating amendments to 40 CFR part 191, the Agency's generally applicable environmental standards for the management and disposal of spent nuclear fuel, high-level and transuranic radioactive wastes. As noted above, the WIPP LWA, by operation of law, reinstates the provisions of 40 CFR part 191, as issued in 1985, not specifically found problematic by the First Circuit. The EPA has chosen not to revisit, in this rulemaking, the reinstated provisions. Accordingly, the scope of today's promulgation is strictly limited to the provisions of the 1985 standards vacated and remanded by the court—the individual and ground-water protection requirements.

Currently, three Federal agencies are responsible for implementation of part 191. The EPA, under the authority of the WIPP LWA, will be responsible for, among other items, certifying compliance at the WIPP and will be promulgating criteria for this certification of compliance under a separate rulemaking. The Nuclear Regulatory Commission (NRC) and the DOE will be responsible for implementing and enforcing these standards for other sites to which they may apply, through appropriate regulations or procedures.

Although developed primarily through consideration of mined geologic repositories, 40 CFR part 191, including today's amendments, applies to disposal of the subject wastes by any method, with three exceptions. First, the standards do not apply to ocean disposal or disposal in ocean sediments. Disposal of HLW in this manner is prohibited by the Marine Protection, Research and Sanctuaries Act of 1972, as amended (33 U.S.C. 1401–1445). If the law is ever changed to allow such disposal, the Agency would need to develop appropriate regulations.

Second, as promulgated today, the ground-water protection requirements in subpart C of part 191 do not apply to disposal systems located above or within a formation which within one-quarter (¼) mile of the disposal system contains an underground source of drinking water (USDW). As discussed below, EPA is reserving final action with respect to such repositories in order to explore in greater detail what effect, if any, the prohibition on "Class IV" wells under the SDWA regulations at 40 CFR 144.13 might have on them. The EPA will address this category of disposal systems in the same context as its rulemaking to establish disposal standards for Yucca Mountain pursuant to the Energy Policy Act of 1992.

Third, today's promulgated amendments do not apply to waste disposal which occurred before the effective date of the 1985 standards. The provisions of the disposal standards are intended to be met through a combination of steps involving site selection, disposal system design, and operational techniques, e.g., engineered barriers. Therefore, the Agency believes that the standards which were in existence from 1985 until the First Circuit decision in 1987 are appropriate to be used for activities which occurred, or were begun, during that time rather than imposing new and different standards on such activities. The effective date for § 191.13, Containment Requirements, and indeed all of 40 CFR part 191, except those provisions being promulgated today, remains November 18, 1985. In accord with this, disposal which occurred on or after November 18, 1985 until the effective date of today's action is subject to the standards as they existed on November 18, 1985.

It is important to emphasize that today's action does not address subpart A or the portions of 40 CFR part 191 which were reinstated by the WIPP LWA; it is strictly limited to the above-described individual and ground-water protection requirements (40 CFR 191.15, 191.16 and subpart C) and associated definitions. Even though comments were received on other portions of part 191, EPA has not proposed and is not amending subpart A or the reinstated portions of 40 CFR part 191 and is not, therefore, responding to comments received on these specific provisions. See 58 FR 7924, 7925.

Description of the Amendments

The Agency's amendments to 40 CFR part 191 are described in this section.

Definitions

In order to fulfill the regulatory objectives of today's action, the Agency is adding several terms, deleting several terms, and making changes to several others including:

(1) The addition of a new term, "radioactive material," which means materials containing radionuclides that are subject to the Atomic Energy Act and that have half-lives greater than twenty years. There may arise circumstances where radioactive materials not presently classified as spent nuclear fuel, high-level, or transuranic wastes are managed or disposed of with these wastes. For instance, NRC recently issued a final rule requiring disposal of "greater-than-Class C" low-level radioactive wastes in a deep geologic repository unless disposal elsewhere has been approved by the Commission (see 54 FR 22578 codified at 10 CFR part 61). "Greater-than-Class C" wastes are wastes which exceed certain radionuclide concentrations specified by the NRC in 10 CFR part 61. The Agency's definition of radioactive material is intended to ensure that contributions to the radiation dose received by individual members of the public and impacts on ground water from "greater-than Class C" or any other radioactive materials managed or disposed with spent nuclear fuel, high-level and/or transuranic radioactive wastes are covered by the rules being promulgated today;

(2) Changes to the definition of the term "implementing agency" to reflect EPA's role under the WIPP LWA. The list of responsibilities in the definition describes EPA's implementation role under 40 CFR part 191. EPA also has additional implementation responsibilities under the WIPP LWA such as, but not limited to, approval of the test and retrieval plans and determining whether the WIPP complies with other environmental statutes.

(3) The addition of several new terms which pertain to the radiation dosimetry used throughout today's individual protection requirements and ground-water protection standards;

(4) The addition of several new terms pertaining to the ground-water protection requirements in subpart C of today's rule; and

(5) The deletion of several terms used in the 1985 individual and ground-water protection requirements which are no longer pertinent.

Individual Protection Requirements (§ 191.15)

The Agency has replaced the Individual Protection Requirements found at § 191.15 in the 1985 standards with a new set of requirements. A brief history of the development of these requirements follows.

The proposed 40 CFR part 191 standards, issued in 1982, did not contain any numerical restrictions on individual doses after disposal. Rather, they relied upon the qualitative assurance requirements to reduce the likelihood of such exposures. For example, the assurance requirement calling for extensive permanent markers and records was intended to avoid exposure to radiation by transmitting information to future generations about the dangers of intruding into the vicinity of a repository.

This approach to limiting potential individual exposures was highlighted for comment when the standards were proposed in 1982. Comments received persuaded the Agency that quantitative regulatory limits for protection of individuals were also necessary and that reliance upon containment requirements, even if supplemented with assurance requirements, could still result in an unacceptably high risk to individuals in the vicinity of disposal systems. Thus, the Agency decided the best approach would be to supplement, rather than replace, the proposed protection for populations with additional protection for individuals.

Having made the decision to include individual protection requirements, the Agency then had to determine the length of time over which the requirements should apply and the appropriate dose level for the requirements.

Time Frame of the Individual Protection Requirements

The disposal regulations promulgated in 1985 included individual protection requirements which limited annual radiation doses to individuals for 1,000 years after disposal. Before selecting the 1,000-year time period for the 1985 requirements, the Agency examined the effects of choosing different time periods. Just as 10,000 years was chosen for the containment requirements because EPA believed it was long enough to encourage use of disposal sites with natural characteristics that enhance long-term isolation, 1,000 years was chosen for the individual protection provisions because the Agency's assessments indicated it was long enough to ensure that good engineered barriers would be used at disposal sites where some ground water would be expected to flow through a mined geologic repository. Time frames shorter than 1,000 years would not require appropriate engineered barriers even at disposal sites with large ground-water flows.

At the same time, the difficulty of demonstrating compliance with individual exposure limits over time frames longer than 1,000 years appeared to be greater than the capabilities of assessment technology because of the analytical uncertainties involved. Therefore, the Agency decided, in the 1985 rule, that a 1,000-year period was adequate for the quantitative limits on individual doses after disposal.

In 1987, as noted above, the court held that the Agency's choice of a 1,000-year period was largely unsupported and, therefore, arbitrary. The Agency's reason for not adopting a longer time frame was, generally, that although better engineered "barriers...could provide longer term protection for individuals, they would not provide substantial benefits to populations." See *NRDC* v. *EPA* 829 F.2d at 1287. The court found this argument "deficient because it purports to justify the Agency's policy choice solely in terms of a variable that the individual protections were not designed to influence." *Id.* at 1289. Thus, the court remanded that portion of the regulations to the Agency for reconsideration or a more thorough explanation of the reasons underlying the choice of 1,000 years. After re-evaluating the implications of various time frames, the Agency is now adopting a 10,000-year time frame for the individual protection requirements.

The Agency has decided upon 10,000 years as the regulatory period for four primary reasons:

(1) Wastes emplaced into disposal systems will remain radioactive for many thousands of years. Therefore, the Agency believes significant public health and environmental benefits can be gained by selecting a longer time frame for the requirements because a longer time frame can encourage the selection of good disposal sites and the design of robust engineered barriers. The Agency examined potential doses to individuals, considering various times in the future, from waste disposal systems in several different geologic media. In most of the cases studied, radionuclide releases resulting in exposures to individuals did not occur until more than 1,000 years after disposal due to the containment capabilities of the engineered barrier systems. Beyond 1,000 years, but prior to 10,000 years, as the engineered barriers begin to degrade, releases resulting in doses on the order of a few rems per year appeared for some of the geologic media studied. The risk, or chance, of fatal cancer associated with exposure to one rem/year of radiation having a low level of linear energy transfer (LET), i.e., depositing small amounts of energy per unit length of the absorbing medium (see chapter 5 of the BID for more detail), is approximately four in ten thousand per year (4×10^{-4}/year) or three in one hundred over a 70-year lifetime (3×10^{-2}/lifetime). (Hereinafter, as used in this document, the term "risk" refers to the chance of developing a fatal cancer.) For other, better geologic media, the Agency's generic analyses estimate no releases for 10,000 years. The Agency believes that selecting a 10,000-year time for the requirements, rather than a 1,000-year time frame, will encourage the selection of better sites and/or the design of more robust engineered barrier systems capable of significantly impeding radionuclide releases. These actions, in turn, will serve to reduce the individual risks associated with the disposal of radioactive waste.

(2) The Agency believes improvements in modeling capability since 1985 have facilitated demonstrating compliance with individual dose limits for 10,000 years. As indicated in the documentation supporting the promulgation of 40 CFR part 191 in 1985 (EPA 520/1–85–023), the NWFT/DVM computer code was used to estimate risks to individuals from disposal systems. This computer code has undergone considerable improvement since 1985. It has evolved into the NEFTRAN–S computer code and is used to perform EPA's updated analyses of individual risk which are found in the BID supporting today's rulemaking. The BID may be found in the docket supporting this rulemaking (Docket Number R–89–01). In particular, NEFTRAN–S incorporates improved capabilities for modeling the transport of radionuclides through a geologic medium, including use of the distributed velocity method for modeling dispersive or diffusive transport through porous media. NEFTRAN–S also incorporates added capability to perform statistical analyses required in sensitivity and uncertainty analyses. (See Sandia Report SAND90–1987, UC–502.) Both NRC and DOE also use the improved NEFTRAN methodology.

Furthermore, analyses performed prior to 1985 relied upon data derived primarily from generic geological data available in the open literature. Since that time, additional data have been collected during the characterization of potential disposal sites which provide an improved basis upon which to assign values to the various parameters in analyses performed now.

This improved data quality combined with improved computer models allows improved demonstrations of compliance. EPA expects that the quality of data and the capability of computer models will continue to improve. This will facilitate the longer term modeling and supports the choice of a 10,000-year time frame.

(3) In contrast to earlier estimates, EPA now believes that the financial cost of providing additional protection for individuals and ground water by imposing a 10,000-year regulatory time frame will be reasonable. The EPA's generic base case analyses of the undisturbed performance of well-sited and well-designed disposal systems estimate that there will be no projected releases for both the 1,000- or 10,000-year time frames. Therefore, there should be no additional compliance costs associated with a 10,000-year time frame at well-selected disposal sites. There may, however, be costs associated with the procedures used to demonstrate compliance although EPA believes that for well- selected and well-designed systems these costs will also be minimal.

If compliance assessments indicate that a disposal system design will fail to meet the 10,000-year individual dose standard, more robust engineered barriers to control releases of radionuclides may be required. EPA acknowledges that the costs of more robust engineered barriers could be high (one preliminary estimate by DOE is $3.2 billion for 10,000-year containers for commercial spent fuel and HLW) but notes that these costs only ensue if a site is selected to host the disposal system which cannot otherwise comply with the standards. EPA's standards are designed, in part, to encourage the selection of good sites for disposal systems.

It is possible that extending the time frame for individual dose calculations could increase the costs by making additional modeling necessary. While it is difficult for EPA to estimate the costs of additional modeling, EPA believes the costs will be insignificant when compared to the multibillion dollar costs to develop disposal facilities. Furthermore, many of these costs will have to be incurred, in any case, under the regulatory provisions reinstated by the WIPP LWA. In particular, under the containment requirements now in effect under 40 CFR part 191, compliance must be demonstrated over a period of 10,000 years. That demonstration requires an analysis of the movement of radionuclides out of the repository and into the environment. Because this analysis includes undisturbed performance, it could also be used for assessing compliance with the 10,000-year individual protection requirements.

Finally, EPA notes that disposal systems have differing costs of development, i.e., for mining and construction, associated with them. Coincidentally, the geologic media which are least expensive to develop—salt and unsaturated tuff—are also the media which appear most capable of limiting releases of radionuclides in a manner that keeps expected doses to individuals low. On the other hand, other media, e.g., basalt, which EPA's analyses show will not contain radionuclides for 10,000 years, cost more to develop than either salt or unsaturated tuff. (See the Economic Impact Analysis.) These costs could dwarf any increase in cost that may be associated with selecting a 10,000-year, rather than a 1,000-year, time frame. This reinforces EPA's view that extending the time frame for the individual and ground-water protection requirements will not add significantly to the costs of disposal system development.

(4) Incorporating a 10,000-year time frame in these requirements is consistent with the time frame adopted for the containment requirements in § 191.13 and with 10,000-year modeling guidance and requirements in other EPA regulatory programs such as "no-migration" determinations issued under the Resource Conservation and Recovery Act [sec. 3004 (d)(1), (e)(1), and (g)(5), 42 U.S.C. 6924 (d)(1), (e)(1), (g)(5)] for land disposal of untreated hazardous waste (40 CFR 268.6) and for the underground injection of untreated hazardous waste (40 CFR 148.20).

For the reasons stated above, EPA believes that the individual protection requirements should apply for 10,000 years. These reasons also support EPA's decision to apply the ground-water protection requirements in subpart C of today's action for 10,000 years. The Agency also believes that choosing 10,000 years as the standard is responsive to the issues raised by the First Circuit's 1987 remand. When the court ruled on the subject of the time frame associated with the 1985 individual and ground-water protection requirements, it made note of the fact that EPA used a 10,000-year standard for the containment requirements in the rule. The EPA believes that if it is going to regulate over shorter time frames for individuals than for populations it needs to explain why factors peculiar to the protection of individuals, calculated over time, justify a different time period than for protection of the overall population. EPA has concluded that there is no such significant difference and has found no convincing rationale as to why the time periods for the two standards should be different. Accordingly, EPA believes it is now possible, and therefore appropriate, to make the time periods for the containment, individual and ground-water protection requirements the same.

Dose Limits in the Individual Protection Requirements

The individual protection requirements in § 191.15 of the 1985 standards limited annual doses to members of the public in the accessible environment to 25 millirems to the whole body or 75 millirems to any organ from all pathways of exposure. Today, the Agency is replacing the "whole body/specific organ" dose limits in § 191.15 of the 1985 standards with an annual limit of 15 millirems committed effective dose (CED), a different methodology for calculating doses to individuals.

The reason for the change in dose calculation methodology is that the "whole body/specific organ" methodology has been superseded by the CED methodology. In 1987, EPA, in recommending to the President new standards for all workers exposed to radiation, accepted this methodology for the regulation of doses from radiation. (52 FR 2822) The methodology was originally developed by the International Commission on Radiological Protection (ICRP) and is now used by EPA and other Federal agencies.

The CED is the risk-weighted sum of the doses to the individual organs of the body. The dose to each organ is weighted according to (i.e., multiplied by) the risk to that organ as a result of that dose. These weighted organ doses are then added together and that total is the CED. In this manner, the risk of radiation exposure to various parts of the body can be regulated through use of a single numerical standard. The weighting factors for the individual organs and procedures for calculating annual CEDs are specified in Appendix B.

The CED is simple to implement, is more closely related to risk than the system of limiting doses to the whole body and to specific organs, and is recommended by the leading National and international advisory bodies. By changing to this new methodology, EPA is conforming to the internationally accepted method for calculating dose and estimating risk.

As noted above, section 8 of the WIPP LWA reinstates those aspects of the 1985 version of 40 CFR part 191, subpart B, not specifically found problematic by the First Circuit in *NRDC* v. *EPA*. The First Circuit had only one concern pertaining to the existing individual protection requirements: EPA failed to adequately explain its decision to limit the duration of the individual protection requirements to 1,000 years, given the arguments of petitioners and the 10,000-year period in the containment requirements. The court neither addressed nor commented upon the numerical standard itself, which the 1985 standards set, in 40 CFR 191.15, at 25 millirems per year to the whole body and 75 millirems per year to any critical organ. Thus, the WIPP LWA represents a ratification by Congress of the previously made policy decisions that underlie these numerical standards, including the risk levels they represent. As discussed below, EPA is today reformulating those numerical limits to reflect current practices in measuring and assessing radiation exposure but is not changing the substance of those standards. The EPA has adopted an annual 15-millirem CED requirement which is associated with the same level of risk, about 5×10^{-4}, accepted by the Agency in selecting the 1985 limits. In reviewing the record, EPA has found no convincing reason to alter its basic 1985 decision regarding the appropriate level of protection for individuals for the activities subject to this rulemaking.

The EPA has chosen a 15-millirem CED per year limit because it finds the lifetime risk represented by this level of exposure to present an acceptable risk for the purposes of this rulemaking since it involves only a small number of potential sites and would result in only a small number of people potentially being exposed to the maximum allowed individual risk. While this risk is slightly higher than the risks associated with many other Agency regulations, in general, those risks result from exposures occurring via a single environmental medium or pathway and often from just one pollutant within that medium or pathway. In this case, the Agency is limiting the annual CED from internal exposure to all radionuclides delivered through all pathways, plus the effective dose from any external exposure, to 15 millirems.

In addition, this level is consistent with the ICRP approach of apportioning an overall dose limit from man-made radiation to particular activities, such as waste disposal. The ICRP suggests using an overall limit of one millisievert CED (100 millirems CED) per year. While EPA has not established such an overall limit, the Agency finds that 15 millirem CED per year is today an appropriate and acceptable fraction of the 100-mrem ICRP recommendation because it is small enough to ensure that the total exposure of an individual who was exposed to a number of sources would stay below the overall limit.

The individual protection requirements apply only to the undisturbed performance of the disposal system, including consideration of the uncertainties in that performance. Undisturbed performance means that the disposal system is not disturbed by human intrusion or the occurrence of unlikely disruptive natural events. This aspect of the standard was included because, if human intrusion occurs, the individuals intruding may be exposed to high radiation doses. No regulatory scheme could prevent this for situations in which large amounts of radioactive material are confined to a relatively small area.

In assessing the performance of a disposal system with regard to individual exposures, all pathways and routes through which radioactive material or radiation can travel from the disposal system to people must be considered, with one exception. Ground water withdrawn for consumption directly from within the controlled area need not be included in the analyses because geologic media within the controlled area are an integral part of the disposal system's capability to provide long-term isolation. See *NRDC* v. *EPA*, 824 F.2d at 1272–74. The resulting potential loss of ground-water resources is very small nationwide because of the small number of such disposal facilities contemplated. However, the movement of contaminated ground water as a result of undisturbed behavior from the controlled area into the surface water system must be included in the analyses.

Standards for Ground-Water Protection (Subpart C)

EPA is also promulgating standards designed to further protect public health by protecting ground-water resources. In general, the standards require disposal systems to be designed so that, for each pollutant, the level of contamination in offsite USDWs will not, for 10,000 years, exceed the applicable maximum contaminant level (MCL) established in 40 CFR part 141 under section 1412 of the SDWA, 42 U.S.C. 300g-1. These provisions are in a new subpart C in 40 CFR part 191 and will apply only to disposal (not management and storage). The disposal-related aspects of 40 CFR part 191, including those being issued today, are to be implemented in the design phase of a disposal system. Today's rules rely upon the design phase because for long periods of time, such as 10,000 years, it is obvious that active surveillance cannot be relied upon for prevention or remediation of releases or to enforce regulatory limitations on maximum permissible levels of radiation in the environment.

Discussed below are the statutory and regulatory backgrounds, interpretive caselaw in the First Circuit, and the legal rationale for these provisions. Further detail and explanation as to the particulars of these standards follow; included is a discussion of the technical and policy rationale underlying subpart C. The reader is also referred to the BID which discusses the technical analyses underlying subpart C in greater detail.

Identification of USDWs

The Agency realizes that there may be instances in which there are multiple steps (or licenses/certifications) to be completed prior to the final closure of a disposal system. This could arise if the licensing/certification process is established to proceed on a stepwise basis. For example, for the WIPP, the EPA will perform an initial certification of compliance and, if the disposal system is found to be in compliance, will recertify compliance every five years thereafter. Identification of USDWs occurs on the date of the first overall approval, by the implementing agency, of the system for use as a disposal system. The designers should have complete knowledge of the area's ground-water system prior to its approval. Therefore, § 191.23 specifies that the USDWs to be considered in the compliance assessment are those which have been identified as of "the date the implementing agency determines compliance with subpart C." Any recertification of compliance will be evaluated to consider USDWs identified at the time of recertification.

Maximum Contaminant Levels to be Applied

Section 191.24 specifies that USDWs are to be protected so that levels of radioactivity in them will not exceed the MCLs which are in force on the effective date of this action. The Agency is currently considering issuing revised MCLs which were proposed on July 18, 1991 (56 FR 33050). However, until that occurs, the Agency believes that it should use the current levels. When MCLs are changed in the future, the Agency will revisit the ground-water protection requirements used in part 191 and revise them, as necessary, to be consistent.

Statutory and Regulatory Background

The WIPP Land Withdrawal and the Nuclear Waste Policy Acts

As noted above, today's action responds to the directive in section 8 of the WIPP LWA that EPA conduct a rulemaking to issue certain radioactive waste disposal regulations at 40 CFR part 191, subpart B. The EPA initially promulgated subpart B in 1985 (50 FR 38064 (Sept. 19, 1985)), but those regulations were subsequently vacated in whole as part of a remand order issued by the First Circuit in 1987 (discussed further above and below). See *NRDC* v. *EPA*, 824 F.2d 1258 (1st Cir. 1987).

Section 8(a)(1) of the WIPP LWA reinstates those portions of subpart B except §§ 191.15 and 191.16 (which were the bases of the remand by the First Circuit). Accordingly, section 8(a)(2)(A) of the WIPP LWA exempts the requirements at 40 CFR 191.15 (individual protection) and 191.16 (ground-water protection) from the statutory reinstatement. Section 8(b)(2) addresses these non-reinstated provisions by directing that EPA promulgate final regulations. Today's action responds to that directive by revising the individual protection requirements in 40 CFR 191.15, discussed above, and by adding new ground-water protection standards as 40 CFR part 191, subpart C (discussed below).

The WIPP LWA also limits the applicability of the reinstated standards and the revisions being made today so that they will not apply to sites required to be characterized under section 113(a) of Public Law 97–425, the NWPA. The only section 113(a) site currently under consideration is Yucca Mountain, Nevada. The radioactive waste disposal standards that will apply there are to be developed by EPA pursuant to specific provisions in the Energy Policy Act of 1992. Public Law 102–486 section 801(a)(1) (1992), 106 Stat. 2921.

Notwithstanding this severing of EPA's subpart B regulations from NWPA section 113(a) and, therefore, Yucca Mountain, the genesis of EPA's 1985 subpart B standards resides in significant part in the NWPA.

As noted above, the NWPA was enacted in 1982, amended in 1987, and is amended again by the Energy Policy Act of 1992. The NWPA directs EPA to "promulgate generally applicable standards for protection of the general environment from offsite releases from radioactive material in [such] repositories." 42 U.S.C. 10141(a). The NWPA does not independently authorize these rules but instructs EPA to act pursuant to its "authority under other provisions of law." *Id.*

The Atomic Energy Act and Reorganization Plan No. 3

EPA's fundamental regulatory authority is provided by the AEA and Reorganization Plan No. 3 of 1970. The AEA authorized the Atomic Energy Commission (the predecessor of the NRC) to "establish by rule, regulation, or order, such standards * * * to govern the possession and use of special nuclear material, source material, and byproduct material as the Commission may deem necessary or desirable * * * to protect health or to minimize danger to life or property." (42 U.S.C. 2201(b)) When EPA was created in 1970 by Reorganization Plan No. 3, President Nixon transferred to EPA's jurisdiction:

[t]he functions of the Atomic Energy Commission under the Atomic Energy Act of 1954, as amended * * * to the extent that

such functions of the Commission consist of establishing generally applicable environmental standards for the protection of the general environment from radioactive material. As used herein, standards mean limits on radiation exposures or levels, or concentrations or quantities of radioactive material, in the general environment outside the boundaries of locations under the control of persons possessing or using radioactive material. Reorganization Plan No. 3 at section 2(a)(6).

Thus, EPA is authorized to promulgate the generally applicable environmental standards called for by the NWPA (through reference to the AEA, including section 2201(b)). Furthermore, under the AEA, Reorganization Plan No. 3, and the NWPA, EPA's role is limited to the promulgation of these standards. Today's action is designed to complete the radioactive waste disposal standards that will apply to WIPP, if it is found to be acceptable as a disposal system, the Greater Confinement Disposal facility at the Nevada Test Site, and any other non-NWPA § 113(a) disposal systems for the subject wastes that may be selected in the future. Under the WIPP LWA, EPA must also promulgate regulations setting forth criteria for certifying DOE's compliance with these regulations at the WIPP. See WIPP LWA sections 8(c), 8(d) and 9. These compliance criteria are being developed by EPA through a separate rulemaking (58 FR 8029).

The Safe Drinking Water Act

As noted previously, in today's action, EPA is requiring that disposal systems be designed so that contamination in offsite USDWs will not exceed the applicable MCL for radionuclides under the SDWA. The SDWA was enacted to assure safe drinking water supplies and to protect against endangerment of USDWs. SDWA section 1421(b)(1), 42 U.S.C. 300h(b)(1). "Endangerment" occurs if an underground injection "may result in the presence of underground water which supplies or can reasonably be expected to supply any public water system of any contaminant, and if the presence of such contaminant may result in such system's not complying with any national primary drinking water regulation or may otherwise adversely affect the health of persons." 42 U.S.C. 300h(d)(2).

Pursuant to section 1412 of the SDWA, EPA has promulgated National Primary Drinking Water Regulations (NPDWRs) for contaminants in drinking water which may cause an adverse effect on the health of persons and which are known or anticipated to occur in public water systems (40 CFR parts 141 and 142). These regulations specify either MCLs or treatment techniques and contain "criteria and procedures to assure a supply of drinking water which dependably complies" with such MCLs. SDWA section 1401. The MCLs are the enforceable standards under the SDWA and represent the level of water quality that EPA believes is acceptable for consumption from public drinking water supplies. EPA is today adopting the MCLs for radionuclides as contained in 40 CFR part 141, as they exist on the effective date of this rulemaking, as standards for ground-water protection under 40 CFR part 191.

Subpart B as Promulgated in 1985

As noted above, today's action modifies subpart B of the 1985 version of 40 CFR part 191. From the outset, EPA determined that its 40 CFR part 191 standards would apply to spent nuclear fuel, high-level and transuranic radioactive waste. Spent nuclear fuel is mainly produced by commercial nuclear power plants which are licensed by the NRC. 50 FR 38066 (Sept. 19, 1985). High-level waste is produced primarily as a result of reprocessing of spent nuclear fuel from the nuclear weapons program. Transuranic waste consists of equipment, clothing and other items contaminated by radionuclides having atomic numbers larger than 92 (uranium) and is also generated primarily within the nuclear weapons program. The nuclear weapons program is under the direction of the DOE. *Id.* at 38066–38077. As EPA developed its rules prior to passage of the NWPA, the Agency was aware that DOE was developing plans for disposing its transuranic waste at the WIPP. After enactment of the NWPA, which is directed at NRC-regulated wastes, EPA continued to develop rules that would also apply to the DOE's transuranic waste including that targeted for disposal at the WIPP. (Even though NWPA section 113(a) facilities are excluded from today's rule, the scope of subpart B, both those reinstated portions and those being finalized today, continues to include the full range of waste.)

EPA concluded its rulemaking effort, in part in response to the directive in the NWPA and related litigation, by promulgating 40 CFR part 191 on September 19, 1985. See 50 FR 38084. Subpart A of part 191 established standards for the management and storage of the subject wastes, and subpart B, limited portions of which are modified by today's action, established standards for disposal.

As promulgated in 1985, subpart B contained four categories of requirements: containment (40 CFR 191.13), assurance (40 CFR 191.14); individual protection (40 CFR 191.15), and ground-water protection (40 CFR 191.16). The containment requirements called for disposal systems to "be designed to provide a reasonable expectation" that releases of radionuclides would be controlled to specified levels for 10,000 years. The assurance requirements supported the containment requirements by calling for a period of active maintenance and monitoring, permanent markers, recordkeeping, redundant barriers against the movement of water and radionuclides toward the environment, and other measures. The individual protection requirements limited individual doses for 1,000 years, and the ground-water protection requirements also called for 1,000 years of protection for "special sources" of ground water.

The First Circuit Opinion

Several petitions to review the 1985 standards were filed by environmental groups and States; the cases were consolidated in the First Circuit. For reasons pertaining to flaws it identified in the individual and ground-water protection provisions of subpart B (40 CFR 191.15 and 191.16), the court, on July 17, 1987, vacated and remanded all of part 191 to EPA for further consideration. See generally *NRDC* v. *EPA*, 824 F.2d 1258 (1st Cir. 1987). Following a request by the government, on September 23, 1987, the court reinstated subpart A. That reinstatement and the WIPP LWA reinstatement of most of subpart B left unresolved those provisions which EPA is addressing in today's rulemaking. EPA's response regarding individual protection is set forth above, while ground water is addressed below, beginning with a brief description of the court's ruling in this regard.

In the rationale for its ruling, the court emphasized the parallel environmental goals that exist in the SDWA, the NWPA, and the AEA and found that EPA had not adequately explained why the part 191 standards were not consistent with those under the SDWA. The court reasoned that because the SDWA calls for assurances that underground injection not "endanger" USDWs and because the NWPA implicitly adopts the same goal for HLW standards (outside the controlled area), EPA's part 191 standards were arbitrary and capricious since EPA did not adequately explain its choice of a dose limit which might result in less protection than the MCLs for radionuclides under the SDWA for ground water outside the controlled area of the repository. The court stated:

[T]he SDWA is no mere incidental provision. It reflects a national policy and standard relative to the country's water supplies. Safeguarding such resources and their users is likewise implicit in the EPA's duty under the NWPA to promulgate HLW standards for the protection of the general environment from offsite releases from radioactive material in repositories. *NRDC* v. *EPA*, 824 F.2d at 1280, citing 42 U.S.C. 10141(a).

Thus, the rules were remanded to EPA for further consideration and explanation. The court explained:

To be rational, the HLW regulations either should have been consistent with the SDWA standards * * * or else should have explained that a different standard was adopted and justify such adoption. *Id.* at 1281.

For the reasons set forth elsewhere in this notice, EPA has determined that disposal systems subject to part 191 requirements should not be considered underground injection wells under the SDWA. Today's interpretation of the scope of the underground injection control (UIC) program is, however, neither necessary nor sufficient in assessing the propriety of the part 191 standards with respect to the SDWA. Rather, as reflected in the First Circuit remand decision, in light of the similar environmental goals of the SDWA and part 191 (see 824 F.2d at 1280), there are two key issues: whether the part 191 regulations contain protective standards that are substantively equivalent to those under the SDWA; and, to the extent (if any) that the standards are not equivalent, whether EPA has adequately explained the divergence between the substantive levels of protections afforded by the respective programs. See 824 F.2d at 1293.

Thus, regardless of whether a disposal system is directly subject to UIC requirements, EPA has an obligation to explain any discrepancy in the protective standards of part 191. As explained below, by adopting the MCLs under the SDWA as the protective standard for part 191, EPA has provided substantive equivalence, with the possible exception of the Class-IV-well ban under the UIC program. Accordingly, today's notice reserves final action with respect to disposal systems that might be affected by the Class-IV ban to enable further consideration of this issue.

Legal Rationale for Today's Action

In the manner and for the reasons discussed further below, EPA is conforming the part 191 ground-water protection requirements, through a new subpart C, to the SDWA for USDWs outside the controlled area of a disposal system subject to part 191. Compliance with the new subpart C will provide an equivalent level of radiation protection as would compliance with the SDWA regulations in that both subpart C and the SDWA require adherence to the MCLs. Hence, today's action resolves, with one possible exception discussed below, the substantive inconsistencies between the SDWA program and part 191 that was the basis for the First Circuit's remand.

Furthermore, EPA notes that the First Circuit itself did not resolve the question of whether disposal constitutes underground injection. Although the court stated in dicta that disposal in geologic repositories would "likely" constitute underground injection, the focus of the court's concern was EPA's adoption of inconsistent substantive standards under programs with similar environmental goals. Consequently, the court held that EPA must either conform the substantive regulatory requirements of the two programs or explain any inconsistency. Today's action satisfies the First Circuit remand by issuing amended disposal standards that are consistent with the SDWA MCL limits.

The Nature of Subpart C

Subpart C requires that a prospective disposal system demonstrate that it will comply for 10,000 years with the SDWA MCLs for radionuclides as currently codified at 40 CFR 141.15 and 141.16 or until such time that subpart C of part 191 is amended to be consistent with new MCLs. This means that disposal systems subject to subpart C shall be designed such that they will not cause the amount of radionuclides in USDWs, in the accessible environment, to exceed the MCLs. Implementation of subpart C will occur before any waste is actually disposed and, thus, these resources will not be "endangered" within the meaning found in part C of the SDWA. In recognition of the uncertainties involved with projecting performance over 10,000 years, as with the containment requirements in subpart B, unequivocal numeric proof of compliance is neither necessary nor likely to be obtained.

Authority for Today's Action

As authority for this rulemaking, EPA is relying upon the AEA, Reorganization Plan No. 3, the WIPP LWA, and the NWPA. The express statutory authority for taking this action is provided by the AEA. Included therein is the authority to "establish by rule * * * such standards * * * as the Commission [now EPA] may deem necessary or desirable * * * to protect health or to minimize danger to life or property." 42 U.S.C. 2201(b). Furthermore, the NWPA, which has played an integral role in the development of part 191, directed that EPA promulgate "standards for protection of the general environment from offsite releases from radioactive material in repositories." 42 U.S.C. 10141(a). In so doing, EPA is to act pursuant to its "authority under other provisions of law." *Id.* Other provisions of law include the AEA, Reorganization Plan No. 3, and the WIPP LWA. In other words, EPA is to promulgate those standards it deems necessary or desirable to protect the general environment, including health, life, and property, from dangers presented by radioactive material at locations outside the boundaries of the sites where such materials were originally located.

The SDWA provides additional reason for EPA's action as it reflects Congressional policies and purposes. Whether or not the SDWA applies as a matter of law for a particular repository, the Congressional purposes that the SDWA advances are consistent with those underlying national radioactive waste disposal programs. Under the SDWA, EPA is to publish regulations (that the States will ordinarily implement) to "prevent underground injection which endangers drinking water sources." 42 U.S.C. 300h(b)(1). Endangerment is broadly defined to occur whenever:

such injection may result in the presence in underground water [i.e., groundwater] which supplies or can reasonably be expected to supply any public water system of any contaminant, and if the presence of such contaminant may result in such system's not complying with any national primary drinking water regulation or may otherwise adversely affect the health of persons. 42 U.S.C. 300h(d)(2).

In pertinent part, the NPDWRs include MCLs, 42 U.S.C. 300g-1, which are defined as the "maximum permissible level of a contaminant in water which is delivered to any user of a public water system." 42 U.S.C. 300f(3)

The purposes advanced by this statutory scheme—protection of the Nation's drinking water resources so as not to adversely affect public health—is in substantial accord with the purposes underlying EPA's authority for radioactive waste disposal regulations. "[The SDWA] reflects a National policy and standard relative to the country's water supplies. Safeguarding such resources and their uses is likewise implicit in the EPA's duty under the NWPA to promulgate standards." *NRDC* v. *EPA*, 824 F.2d at 1280. Thus, the standards in subpart C respond to the entire range of statutory mandates. They are directed to ground water in the accessible environment, outside the "controlled" area of the repository, and are intended to protect a valuable resource in the environment, and, in that way, protect health, life, and property from radioactive materials. They do this by establishing requirements such that releases, as a result of disposal, will not (considering the background concentration) "endanger" ground water for 10,000 years, as measured by the MCLs.

Subpart C Radiation Protection Is Equivalent to Radiation Protection Under the SDWA

Given the confluence of purpose of the AEA and the SDWA, subpart C is designed to provide an equivalent level of protection as would occur if the SDWA regulations for MCLs applied directly to a particular disposal system. The underlying substantive requirement in the SDWA is that ground water, which is or can reasonably be expected to be a source of drinking water, not be endangered by the presence of any radionuclide which may cause a violation of the applicable MCLs or may otherwise adversely affect the health of persons. This is accomplished by the requirement in subpart C that before disposal may occur, a determination must be made that radionuclide levels in such ground water will not exceed the applicable MCLs for 10,000 years. As discussed elsewhere, EPA is addressing potential discrepancies between the part 191 requirements and the Class-IV-well ban under the SDWA by deferring final action on those disposal systems that might be affected by the Class-IV-well prohibitions.

Policy and Technical Rationale for Subpart C

EPA Approach to Ground-Water Protection

Since the time of the court's decision in *NRDC* v. *EPA*, the Agency has been developing an overall ground-water protection strategy. Ground-water contamination is of particular concern to the Agency because of its potential impact on sources of drinking water. Over 50 percent of the U.S. population draws upon ground water for its potable water supply. Approximately 117 million people in the U.S. get their drinking water from ground water supplied by 48,000 community public water systems and approximately 12 million individual wells. The remaining people get their drinking water from 11,000 public water systems drawing from surface-water sources. About 95 percent of rural households depend upon ground water, as does a still larger proportion (97 percent) of the 165,000 non-community public water supplies (such as those for camps or restaurants serving a transient population). Thirty-four of the 100 largest U.S. cities rely completely or partially on ground water. In addition, ground-water contamination is of concern to EPA because of its potential impact upon the ecosystem.

In January 1990, EPA completed development of a strategy to guide future EPA and State activities in ground-water protection and cleanup. Two papers were developed by an Agency-wide Ground-Water Task Force and were issued for public review: an EPA Statement of Ground-Water Principles and an options paper covering the issues involved in defining the Federal/State relationship in ground-water protection. These papers and other Task Force documents have been combined into an EPA Ground-Water Task Force Report: "Protecting The Nation's Ground Water: EPA's Strategy for the 1990's" (EPA 21Z–1020 July 1991.)

This report sets forth an effective approach for protecting the Nation's ground-water resources. The approach will be reflected in EPA policies, programs, and resource allocations and is intended to guide EPA, State and local governments, and other parties in carrying out ground-water protection programs. The Agency has also issued "The Final Comprehensive State Ground Water Protection Program Guidance." This document provides guidance to States for establishing a coordinated approach to their ground water.

A key element of EPA's strategy for ground-water protection and cleanup is the overall goal to prevent adverse effects on human health and the environment and protect the environmental integrity of the Nation's ground-water resources. Adverse effects mean those risks that are significant to the affected population and determined, where appropriate, under relevant statutes to be unreasonable. Ground water needs to be protected to ensure that the Nation's currently used and potential sources of drinking water are preserved for present and future generations. In addition, ground water should be protected to ensure that ground water that is closely hydrologically connected to surface water does not interfere with the attainment of surface-water quality standards, which is necessary to protect human health and the integrity of associated ecosystems. The Strategy also recognized, though, that efforts to protect ground water must also consider the use, value, and vulnerability of the resource, as well as social and economic values. In carrying out its programs, the Agency uses MCLs under the SDWA as "reference points" for water-resource protection efforts when the ground water in question is a potential source of drinking water. Best technologies and management practices are relied upon to protect ground water to the maximum extent practicable. Detection of a percentage of the MCL at an appropriate monitoring location is used to trigger consideration of additional action, e.g., additional monitoring, or restricting or banning the use of the potential contaminant. Breaching the MCL or other appropriate reference point would be considered a failure of prevention.

For all these reasons, protection of ground water is a critical factor in devising a regulatory approach for waste management and disposal. EPA is, therefore, adding a new subpart to the 40 CFR part 191 standards—"Subpart C, Environmental Standards for Ground-Water Protection." This subpart applies to radioactive waste disposal facilities and parallels the MCL dose-limit requirements under 40 CFR part 141.

The EPA is promulgating separate ground-water protection requirements because ground water is unique and deserving of pollution controls separate from other environmental media. Agency analyses indicate that, of all the potential environmental pathways, travel through ground water is the most likely pathway to lead to the accessible environment at most disposal sites. Moreover, because ground water is not directly accessible, its contamination is far more difficult to monitor and/or clean-up than is contamination in other environmental media.

In addition, ground water generally moves slowly; velocities are usually in the range of 5 to 50 feet per year. Large amounts of a contaminant can enter an aquifer and remain undetected until a water well or surface-water body is affected. Moreover, contaminants in ground water, unlike those in other environmental media like air or surface water, generally move with relatively little mixing or dispersion, so concentrations can remain high. These plumes of relatively concentrated contaminants move slowly through aquifers and may be present for many years, sometimes for decades or longer, potentially making the resource unusable for extended periods of time. Because an individual plume may underlie only a very small part of the land surface, it can be difficult to detect by aquifer-wide or regional monitoring. Of course, over thousands of years, monitoring is unlikely, avoidance will be difficult, and the area affected may be large. All of which favor effective ground-water protection so that the pollution may be prevented in the first instance.

The Agency believes that it is prudent to protect ground-water resources from contamination through prevention rather than rely upon clean-up. This approach avoids requiring present or future community water suppliers to implement expensive clean-up or treatment procedures and protects individual users, as well. Moreover, absent protection, the disposal system could find itself subject to expensive clean-up by future generations.

Today's subpart C limits radioactive contamination in USDWs to the MCLs found in the Agency's NPDWRs for radionuclides (40 CFR 141.15 and 141.16). Consistent with the 1987 First Circuit ruling, the standard pertains to USDWs located outside the controlled area surrounding radioactive waste disposal systems. See *NRDC* v. *EPA*, 824 F.2d at 1274.

This approach is consistent with the Agency's overall approach to ground-water protection, that is, to prevent the contamination of current and potential sources of drinking water. This approach is reflected in Agency regulations pertaining to hazardous waste disposal (40 CFR part 264), municipal waste disposal (40 CFR parts 257 and 258), underground injection (40 CFR parts 144, 146, and 148), and uranium mill tailings disposal (40 CFR part 192). The Agency's analyses demonstrate that these objectives are scientifically and technically achievable assuming well-selected and well-designed disposal sites and systems.

Subpart C protects what is known as an "underground source of drinking water" (USDW). The definition of "USDW", and indeed all of the definitions pertinent to subpart C, are taken directly from the Agency's underground injection control regulations found in 40 CFR parts 144 through 146. These definitions are designed to be consistent with the SDWA requirements. The definition of USDW received extensive discussion in the legislative history of the SDWA. The Committee Report to the Act instructed EPA to construe the term liberally; both currently used and potential USDWs warrant inclusion in the definition. This reflects a policy to protect ground water that is to be used in the future.

As a guide to the Agency, the Committee Report suggested that aquifers with fewer than 10,000 milligrams per liter of total dissolved solids (TDS) be included. H.R. Rep. No. 1185, 93d Cong., 2d Sess. 32 (1974). The Agency has reviewed the current information on the use of aquifers for drinking water which contain high levels of TDS. This review found that the use of water containing up to 3,000 milligrams per liter TDS is fairly widespread. The Agency has also found that ground water containing as much as 9,000 milligrams per liter TDS is currently supplying public water systems. Therefore, based on this review and the legislative history of the SDWA, the Agency believes that it is reasonable to protect aquifers containing water with up to 10,000 milligrams per liter TDS as potential sources of drinking water.

The provisions found in subpart C apply to all aquifers or their portions, with fewer than 10,000 milligrams per liter TDS, which currently or potentially could supply a public water system.

Subpart C protects USDWs in the vicinity of waste disposal systems by requiring that the disposal systems be designed so as to assure that ground water will not be contaminated above the MCLs. In other words, before disposal may occur, the implementing agency must determine, considering the uncertainties in the analysis, that the undisturbed performance of the disposal system, over a 10,000-year period, will not cause releases which could result in the radionuclide MCLs being exceeded.

For consistency among today's individual protection requirements, the reinstated containment requirements, and the SDWA underground injection requirements, the Agency is adopting a 10,000-year time frame for the duration of the ground-water protection requirements pertaining to disposal facilities. The disposal standards in subpart C are design standards. Implementing agencies will determine compliance by evaluating 10,000-year projections of the disposal system performance. The implementing agency must determine that the natural and engineered features of a disposal facility, not disrupted by human intrusion or the occurrence of unlikely natural events, will prevent degradation of any USDW outside the controlled area beyond the radionuclide MCLs.

Compliance With Part 191 as Compliance With the Underground Injection Control Requirements

In addition to proposing amendments to the disposal standards of 40 CFR part 191, EPA proposed to add a provision to the Agency's Underground Injection Control Program regulations at 40 CFR 144.31(a) which stated that compliance with 40 CFR part 191, subparts B and C, would constitute compliance with regulations under the SDWA. (58 FR 7924, February 10, 1993). In light of EPA's determination that nuclear waste disposal systems should not be considered underground injection, the Agency has decided to withdraw the proposed amendment to the UIC regulations.

In the preamble to the proposed rule, the Agency stated that the protection offered by proposed subpart C provided the same substantive protection and similar significant procedural components as those under SDWA regulations. 58 FR 7932 Comments on the proposed rule made a point-by-point comparison of proposed 40 CFR part 191 and requirements under the SDWA. These comments asserted that the 40 CFR part 191 requirements do not precisely correspond to the SDWA requirements because they lack some of the SDWA's provisions which include reporting requirements, judicial review procedures, citizen suit provisions, monitoring requirements, recordkeeping requirements, and permitting conditions and requirements.

In addition, the preamble to the proposed rule stated that the review process for the WIPP facility was extraordinarily elaborate and that such an intensive and thorough process would be applied for any other disposal system covered by these regulations. Comments on the proposal pointed out, however, that a facility exists for which this is allegedly not the case, the Greater Confinement Disposal (GCD) facility which has been operated at the Nevada Test Site. This facility has not been subject to the extensive review process which is being applied to both WIPP and the potential site at Yucca Mountain and has received considerably less public attention than these potential disposal sites. Also, unlike at WIPP or a HLW repository, DOE alone implements 40 CFR part 191 at the GCD. This is not necessarily a unique situation. It is conceivable that other facilities could be proposed in the future which are in the same category in that they would not receive as high a degree of scrutiny as the current potential repositories. The EPA's February 10, 1993 proposal addressed the UIC issue by deeming that compliance with part 191 would constitute compliance with regulations under the UIC program. Given EPA's conclusion regarding the applicability of the UIC program to disposal systems and, as set forth below, consequent withdrawal of the proposed revisions to 40 CFR 144.31(a), the comments regarding proposed revisions to part 144 are moot. Nevertheless, EPA is responding in order to provide a fuller understanding of the Agency's action.

As discussed elsewhere, the thrust of the First Circuit's 1987 remand decision was to require that EPA either adopt the substantive protections of the SDWA program in its part 191 regulations or explain any discrepancies. EPA has provided substantive equivalence through its adoption of the MCLs. (Potential discrepancies at some facilities with respect to the SDWA's Class-IV-well ban will be addressed in a future rulemaking.) The First Circuit did not address the details of the procedural provisions of the SDWA or compare them to the procedures under part 191 and associated provisions (such as NRC disposal procedures). EPA believes that the court's focus on substantive protection was appropriate in light of the general administrative law principle that an agency is bound to explain a departure from previously established substantive norms. See 824 F.2d at 1282 (citing, e.g., *Motor Vehicle Mfrs. Ass'n* v. *State Farm Mutual Life Ins. Co.*, 463 U.S. 29 (1983)).

Conversely, the First Circuit's silence on procedural aspects of the SDWA was in keeping with another firmly established principle of administrative law, namely, that in the absence of constitutional constraints, specific statutory directives, or extremely compelling circumstances, agencies are free to fashion procedures that they deem appropriate to the task at hand. Consequently, while comments regarding a potential lack of procedural equivalence at potential disposal sites other than the WIPP may have some merit, they have no bearing on the outcome of this part 191 rulemaking. As stated by the Supreme Court in *Vermont Yankee Nuclear Power Corp.* v. *NRDC*, 435 U.S. 519, 524 (1978), "the formulation of procedures was basically to be left within the discretion of the agencies to which Congress had confided the responsibility for substantive judgments." In accordance with the doctrine of Vermont Yankee, the procedures applicable to a decision to emplace nuclear waste into a given disposal system will be determined by applicable statutes governing such procedures and the discretion of the relevant agencies. In addition, NRC licensing of Yucca Mountain and WIPP compliance requirements are both extensive. To overlay those procedural requirements with possibly redundant UIC program procedural requirements could be considered duplicative and unnecessary. See *NRDC* v. *EPA*, 937 F.2d 641, 648 (D.C. Cir. 1991) (upholding EPA decision not to regulate based on Agency's conclusion that EPA regulations would be redundant given "roughly similar" Interior Department regulations providing equivalent benefits).

Disposal of Radioactive Waste in Geologic Repositories Is Not Underground Injection

In the preamble to the proposed part 191 amendments, EPA stated that it was not necessary to address whether the disposal of radioactive waste in a geologic repository covered under part 191 constitutes underground injection under the SDWA since the proposed part 191 standards conformed with the MCL standards for radionuclides under the SDWA. EPA maintains this position in today's final action. EPA also noted that in *NRDC* v. *EPA*, 824 F.2d at 1258, the First Circuit itself did not resolve the underground injection issue, stating only in dicta that disposal in geologic repositories would "likely" constitute underground injection. However, a number of commenters specifically raised this issue expressing both support for, and opposition to, the regulation of such disposal in geologic repositories as underground injection. EPA has carefully considered these comments. The Agency also has reviewed the SDWA and its legislative history and the regulations governing the underground injection control (UIC) program. The Agency has concluded that the underground disposal of containerized radioactive waste in geologic repositories subject to the part 191 standards does not constitute underground injection within the meaning of the SDWA or EPA's regulations governing the UIC program.

Section 1421 of the SDWA defines "underground injection" as "the subsurface emplacement of fluids by well injection." 42 U.S.C. 300h(d)(1). The statute defines neither "fluids" nor "well injection." Moreover, neither the statute nor the legislative history directly addresses whether the underground disposal of containerized radioactive waste constitutes the "subsurface emplacement of fluids by well injection." Even though the legislative history states, "[t]he definition of 'underground injection' is intended to be broad enough to cover any contaminant which may be put below ground level and which flows or moves, whether the contaminant is in semi-solid, liquid, sludge, or any other form or state," H.R. Rep. No. 1185, 93d Cong., 2d Sess. 31 (1974), the legislative history does not specifically address whether the underground disposal of containerized radioactive waste into geologic repositories of the type covered by these part 191 rules constitutes the "subsurface emplacement of fluids by well injection."

The EPA has concluded that the underground disposal of containerized radioactive waste in geologic repositories subject to part 191 does not constitute underground injection both because the materials to be emplaced are not "fluids" and because the mode of emplacement of these materials is not "well injection."

The EPA does not consider the type of containerized radioactive wastes which are covered under part 191 to be "fluids." Instead, the wastes, which consist almost entirely of solid materials themselves are enclosed in barrels or other types of containers. The Agency does not believe the SDWA's reference to "subsurface emplacement of fluids" was intended to address the subsurface disposal of solid or containerized materials. As noted above, the statute does not specifically address this activity and the legislative history also does not address the subsurface emplacement of containerized materials or solids. On the other hand, the legislative history does address the injection of liquid materials that flow or move at the time they are emplaced in the ground. For example, in floor debate, Sen. Domenici stated that "the [UIC] regulations would cover all types of injection wells, e.g., industrial and nuclear disposal wells, oil and gas wells, solution mining wells or any hole in the ground designed for the purpose of injecting water or other fluids below the surface." See 126 Cong. Rec. 30189 (November 19, 1980) (remarks of Sen. Domenici, emphasis added). Indeed, in amending the SDWA in 1985, Congress stated "underground injection is the process of forcing liquids underground through a well." H.R. Rep. No. 168, 99th Cong., 1st Sess. 540 (1985) (emphasis added). Moreover, it is clear from the legislative history of the SDWA that Congress intended to ratify EPA's policy on deep-well injection contained in Administrator's Decision Statement #5, entitled "Subsurface Emplacement of Fluids," published at 39 FR 12922 (April 9, 1974). H.R. Rep. No. 1185, 93rd Cong., 2d Sess. 31–32 (1974). Administrator's Decision Statement #5 contained parameters for well injection including, among other things, data requirements for volume, rate, and injection pressure of the fluid, degree of fluid saturation, and formation and fluid pressure. 39 FR 12923 (emphasis added). Like the legislative history itself, the policy does not mention the subsurface emplacement of containerized radioactive wastes but it does address the injection of noncontainerized liquids as an object of regulatory concern.

The legislative history of the SDWA indicates that Congress was concerned about contamination of ground water from a variety of sources that produce noncontainerized liquids and sludges. Quoting from a U.S. Department of Health, Education and Welfare report entitled "Human Health and the Environment—Some Research Needs," Representative Rodgers noted in floor debate that ground-water pollution was rapidly increasing from sources including ". . . waste-water sludges and effluents...mine drainage, subsurface disposal of oil-field brines, seepage from septic tanks and storage transmission facilities, and from individual on-site waste-water disposal systems." 123 Cong. Rec. 22460 (July 12, 1977) (remarks of Rep. Rodgers). Later in 1985, Congress made clear its intent that there would be early detection of fluid migration into or in the direction of a USDW. H.R. Rep. No. 168, 99th Cong., 1st Sess. 540 (1985) (emphasis added). Again, there is no mention that Congress intended that the SDWA cover the subsurface emplacement of containerized radioactive wastes.

Reflecting this statutory approach, EPA's UIC regulations similarly do not treat containerized radioactive wastes as fluids or liquids for the purpose of control under the UIC program. The EPA regulations at 40 CFR 146.3, tracking the legislative history, define "fluid" as "material or substance which flows or moves whether in a semisolid, liquid, sludge, gas, or any other form or state." In adopting this regulatory definition of fluid, EPA did not consider the emplacement of containerized radioactive wastes in geologic repositories to be fluids subject to the UIC regulations. There is no mention of this activity in the preambles to the proposed or final UIC regulations. On the contrary, the fluids regulated by EPA's UIC program include, for example, brines from oil and gas production; hazardous and industrial waste waters; liquid hydrocarbons (gasoline, crude petroleum, and others); solution mining fluids from uranium, sulfur, and salt solution mining; and sewage and treated effluent. See 40 CFR 144.6; 45 FR 33329 (May 19, 1980). All of these are materials that can flow or move at the time they are emplaced in the ground. There is no indication that EPA intended that containerized materials be covered as fluids under the UIC regulations.

Finally, EPA has never interpreted its UIC regulations to reach the subsurface emplacement of containerized wastes or solid materials that do not flow or move. As explained in greater detail below, EPA has stated instead that placement of such containerized hazardous waste in geologic repositories such as underground salt formations, mines, or caves, is regulated under the Subtitle C of the Resource Conservation and Recovery Act (RCRA) hazardous waste program. Subtitle D of RCRA regulates the disposal of containerized nonhazardous wastes pursuant to the regulatory provisions at 40 CFR 257.1.[1] Today's part 191 disposal standards regulate the disposal of radioactive wastes including containerized radioactive wastes.

In *NRDC* v. *EPA*, 824 F.2d at 1258, the First Circuit was concerned that radiation itself might be considered a fluid within the meaning of the SDWA and EPA's UIC regulations at 40 CFR 146.3. The Agency believes that radiation itself does not meet the UIC regulatory or statutory definition of "fluid." Radioactivity is a specific characteristic of the waste but does not define the form of the waste. Radioactivity results in the emission from the waste of ionizing radiation in the form of electromagnetic energy or subatomic particles. Electromagnetic radiation is a form of energy, not a "material or substance," and hence not a "fluid." Subatomic particles, such as alpha and beta particles, will either be absorbed in the waste or the container and, therefore, not travel beyond the container, or will travel very short distances in comparison to the distance to the boundary of the controlled area. In any event, as is set forth above, EPA believes that since the activity at geologic repositories consists of the emplacement of containers of radioactive wastes underground, this is emplacement of solid materials, not "fluids." Even though these materials may eventually disintegrate or dissolve and release some radiation, liquids, or gasses, the activity in question still consists of emplacement of containers and solid materials that will not flow or move at the time of emplacement underground.

Moreover, EPA does not consider the emplacement into geologic repositories of containerized and solid wastes that do not flow or move to be subsurface emplacement "by well injection." For example, at the WIPP, a potential repository subject to part 191, containerized waste will be placed in a mined underground repository, located in a salt bed formation approximately 2150 feet below the earth's surface. The waste containers are lowered down a vertical elevator shaft. Once underground, the waste containers are transported and placed in rooms mined into the formation or in underground horizontal boreholes in the salt formation. Once enough containers are accumulated, the room is sealed. To date, approximately 15 acres of underground disposal rooms have been mined.

The EPA's UIC regulations define "well injection" as "subsurface emplacement of fluids through a bored, drilled or driven well, or through a dug well, where the depth of the dug well is greater than the largest surface dimension." 40 CFR 146.3. A "well" is defined as "a bored, drilled, or driven shaft, or a dug hole, whose depth is greater than the largest surface dimension." *Id.* Although transmission of the materials underground in geologic repositories such as the WIPP involves waste handling "shafts," or "holes," these are elevator shafts or other shafts that transmit containerized solid materials, not "wells" into which fluids are being "injected" within the meaning and intent of the SDWA or EPA's UIC regulations. In addition, the overall configuration of a repository is far different from a "drilled," "driven," or "dug" injection well.

The EPA noted in the preamble to the proposed rules setting forth the definitions of "well" and "well injection" that the definitions cover not only "conventional" deep wells, but also drilled, bored, and driven wells. Dug wells and non-residential septic tanks also fall under the term. See 44 FR 23738, 23740 (April 20, 1979). EPA further stated, however, that "although the definition is broad, it is not without limitation." *Id.* For example, EPA stated that the term does not cover simple depressions in the land or single-family domestic cesspools or septic systems, nor does it cover surface impoundments. *Id.* Although EPA had been concerned initially about whether the UIC regulations should impose conditions on surface impoundments, generally referred to as "pits, ponds, and lagoons," since they pose a threat to ground water, the Agency noted that standards to control such contamination would be covered under the RCRA hazardous waste management program. 44 FR 23740. Thus, the Agency recognized that there would be some disposal practices that might potentially

[1] EPA's regulations at 40 CFR 257.1(c)(9) provide that the solid waste criteria do not apply to disposal of solid waste by underground well injection subject to the UIC part 146 regulations. This provision does not imply that the UIC program regulates emplacement of all solid materials. The UIC program covers only the subsurface emplacement by well injection of those solid wastes that "flow or move" and thereby fall within the definition of a "fluid."

contaminate ground water that would not be covered under the UIC program.

Similarly, EPA does not believe that the emplacement of containerized waste by conveyors or elevators down a shaft should be covered under the UIC program. Such emplacement is in no way similar to the pressurized or gravity-fed flow of fluids, liquids, or sludges injected into a well that has been the traditional focus of the UIC program. *See* e.g., 41 FR 36726, 36732 (August 31, 1976). Even Class-V wells, a general category of injection wells not included in Classes I–IV, are not used for the disposal of containerized waste. Class V covers the subsurface emplacement of fluids, usually by gravity flow, into the injection well. Although Class-V wells include some types of wells that may not traditionally be thought of as injection wells (e.g. septic systems), all of these well types do involve the emplacement of noncontainerized fluids into drilled, bored, dug, or driven wells, typically through gravity flow rather than pressurized flow.

The Agency specifically addressed the status of containerized waste under RCRA and SDWA in the preamble to the final rule promulgating standards for hazardous waste miscellaneous units under subpart X of the RCRA regulations at 40 CFR part 264. In the preamble to the final rule EPA stated,

> Placement of containerized hazardous waste or bulk non-liquid hazardous waste in geologic repositories such as underground salt formations, mines, or caves, either for the purpose of disposal or long-term retrievable storage, is included under subpart X. 52 FR 46946, 46952 (December 10, 1987).

EPA promulgated the subpart X regulations to address hazardous waste management technologies not covered under 40 CFR part 264 (RCRA regulations for the disposal of hazardous waste) or 40 CFR part 146 (UIC program technical criteria and standards). As EPA indicated in the preamble to the subpart X regulations, the 40 CFR part 146 technical standards do not address practices other than the injection of noncontainerized liquids, slurries, and sludges, and do not fully address some potential disposal or storage practices that may fall under EPA's regulatory definition of well injection. 52 FR 46953. In the subpart X rule, EPA provided that, to the extent that miscellaneous disposal practices subject to subpart X may be determined to be underground injection, a subpart X permit would constitute a UIC permit for well injection of hazardous waste for which current part 146 technical standards are not generally appropriate. The Agency stated, however, that it was not "specifying that these miscellaneous management practices constitute underground injection." *Id.*

Thus, EPA has never expressed an intent that the disposal of containerized waste, including containerized radioactive waste, in geologic repositories is an activity covered by the UIC program. Instead, injection wells have been described as facilities at which wastes, in a fluid (usually liquid) state, are injected into the ground under a pressure head greater than the pressure head of the ground water into or above which they are injected for the purpose of disposal. Discharge to the ground water is either direct or by direct seepage of leachate from the well outlet. See 46 FR 11137–11138 (February 5, 1981).

Moreover, the regulatory criteria and standards applicable to underground injection, contained in 40 CFR parts 144 and 146, have never been intended to apply to a geologic repository. The concepts of area of review, pressure buildup and pressure monitoring, restrictions on injection pressure and other operating requirements and mechanical integrity testing of injection wells that are included in the part 146 regulations are meaningless as applied to geologic repositories. As noted above, some of the repositories, like the WIPP, may be mined containment areas in which humans operate mechanical equipment to emplace waste packaged in containers surrounded by both engineered and natural barriers designed to isolate such waste from the environment. The UIC regulations are directed at injection of fluids by pressure or gravity flow; this activity is far different from an engineering perspective from the subsurface emplacement of containerized wastes.

Finally, as is explained elsewhere in this preamble, part 191 sets technical standards that are adequate to protect the environment from the radiation effects of underground disposal of these containerized radioactive wastes. Thus, it is not necessary to expand the scope of the UIC program to cover this activity.

Deferral of Final Action Regarding Disposal Systems Above or Within a Formation Which Within One-Quarter (¼) Mile Contains a USDW

As stated elsewhere, today's action assures, with one possible exception, substantive equivalence between the SDWA and part 191 through the adoption of the MCLs as the protective standard under subpart C of part 191. That possible exception relates to the provision of 40 CFR 144.13 banning "Class IV" injection wells. As defined in § 144.6(d), such wells include those which dispose of radioactive waste into or above a formation which contains a USDW within one-quarter (¼) mile of the well. As promulgated today, the part 191 regulations contain no such across-the-board ban. EPA's tentative position is that this discrepancy is appropriate in light of differences in the purposes of the UIC and part 191 programs. The UIC regulations mandate minimum requirements for State programs to prevent underground injection which endangers USDWs, while part 191 standards are directed to ground water in the accessible environment, outside the controlled area of a repository, and establish requirements for performance of disposal systems, including natural or engineered barriers that prevent or substantially delay movement of water or radionuclides toward the accessible environment. Nevertheless, EPA believes it is appropriate to consider this matter further, in the context of its upcoming rulemaking regarding HLW disposal standards for Yucca Mountain in accordance with the Energy Policy Act of 1992. Accordingly, EPA is deferring final action at this time regarding subpart C with respect to those disposal systems that could conceivably fall within the Class-IV ban if it were applicable to radioactive waste disposal systems.

Before discussing the reasoning for this partial deferral, it is important to emphasize that EPA's deferral of final action does not affect disposal systems that do not dispose of hazardous or radioactive waste into or above a formation which within one-quarter (¼) mile of the disposal system contains a USDW. Hence, it does not affect the applicability of part 191 to the WIPP. In addition, because disposal facilities required to be characterized by NWPA § 113(a) are not subject to part 191 requirements, such facilities, which include Yucca Mountain, are also not affected by this deferral. Finally, today's deferral is limited to subpart C. It does not affect other provisions of part 191 which will apply to all disposal systems.

The Class-IV-well ban is part of the UIC program, and is recognized at section 3020 of RCRA. As explained elsewhere in this notice, the UIC program was intended to address routine "well injection" in the common sense meaning of that term. In contrast, the part 191 regulations address permanent emplacement of radioactive wastes. Two of the waste disposal systems currently being studied (WIPP and Yucca Mountain) are mined repositories subject to extremely sophisticated site characterization, design, engineering, containerization, and operational requirements intended to ensure that the applicable protective standards in part 191 will be met. Given such intense scrutiny, applying a blunt instrument akin to the Class-IV-well ban as a siting mechanism appears to be both unnecessarily restrictive and a poor substitute for more sophisticated site characterization studies that may preclude siting of a disposal facility for reasons other than those embodied in the Class-IV restriction. In addition, as the First Circuit recognized, the environmental goals of regulations under the NWPA at least in part differ from and supersede the SDWA in allowing radioactive contamination of ground water within the controlled area of the disposal system.

Taken together, these distinctions are arguably sufficient to justify nonapplicability of a prohibition akin to the Class-IV well ban under the SDWA. Nevertheless, EPA believes it is appropriate to consider this matter further before making a final determination. The Agency plans to do so, and to make any appropriate revisions to part 191, at the same time that it addresses disposal standards for Yucca Mountain. In accordance with the Energy Policy Act of 1992, those standards are required to be promulgated within one year of receipt of a related report, from the National Academy of Sciences, which is presently planned for completion in December, 1994.

Economic Impact of Today's Action

The impact of today's action is described in the EIA for this rulemaking. As a result of the WIPP LWA reinstatement of portions of the disposal standards and the exclusion of sites developed under the NWPA, the analysis concentrates upon the impact of the individual and ground-water protection requirements upon the disposal of TRU wastes. The analysis emphasizes one generic method of TRU waste disposal, emplacement in salt, because this is the only disposal medium for which reasonably substantive cost estimates are available. Other media were analyzed in the BID for this rulemaking and are briefly discussed but cannot be analyzed as deeply because of the lack of cost data. The EPA's generic, base-case, performance analyses for undisturbed performance in all media yields an estimate of no projected releases over 10,000 years. This leads to the conclusion that there is no significant economic impact because of this rule. There may be small costs to DOE since they must now show compliance with these amendments in addition to the remainder of subpart B. Any additional cost is likely to be small and, certainly, a very small fraction of the total cost of disposal. The Agency's experience in environmental pathway modeling suggests that the cost of this effort should not exceed one million dollars.

Response to Comments

The Agency heard the statements of about 175 people during the four days of hearings held in New Mexico in February 1993 and received approximately 90 comment letters. This section responds to the major issues in the comments which the Agency received; responses to all substantive and relevant comments are in the Response-to-Comments document which was made available concurrently with today's action.

Individual Protection Requirements

Many commenters said that an annual 15-millirem CED limit was higher than necessary; those who suggested alternative levels generally suggested between 0 and 10 millirems CED annually. EPA has adopted an annual 15-millirem CED requirement, which is associated with the same level of risk, about 5×10^{-4}, accepted by the Agency in selecting the 1985 limits. In reviewing the record, EPA has found no convincing rationale to justify altering its basic 1985 decision regarding the appropriate level of protection for individuals from the activities subject to this rulemaking. While this risk is slightly higher than the risks associated with many other Agency regulations, in general, those risks result from exposures occurring via a single medium or pathway and often from just one pollutant within that medium or pathway whereas these individual protection requirements limit the annual CED from exposure to all radionuclides delivered through all pathways.

In addition, this level is consistent with the ICRP approach of apportioning an overall dose limit from manmade radiation to particular activities. The ICRP suggests using an overall annual limit of one millisievert CED (100 millirems CED). While EPA has not formally established such an overall limit, the Agency has found that 15 millirems CED is an appropriate and acceptable level for the activities subject to 40 CFR part 191, under the ICRP concept.

Ground-Water Protection Standards

The Agency proposed to apply the SDWA MCLs to USDWs. The comments received on the proposed subpart C covered a spectrum from eliminating the subpart to allowing no degradation of any ground water. There was also a request that the limits be applied incrementally, i.e., that only those doses resulting from releases from the disposal system be compared to the standards with no consideration of any existing contamination.

The Agency has chosen to incorporate the current USDW MCLs as the quantitative measure for the protection of USDWs. The Agency has not been convinced that limits different from those acceptable in the regulations developed under the SDWA are justified for the situations covered in this rulemaking. The EPA considered applying the MCLs incrementally but in those situations where there are pre-existing concentrations of radionuclides, this approach would not prevent contamination of a USDW while the Agency-chosen approach would prevent this contamination without imposing an unreasonable burden on siting or licensing disposal facilities. However, the Agency recognizes that there may be situations in which a potential disposal site is located in the vicinity of one or more USDWs which contain elevated levels of radionuclides.

Under the current standards, a potential disposal system could be precluded from consideration in an area with elevated levels of radionuclides, even if the site would be otherwise attractive for a facility, based upon its superb capability for isolating such waste, because of the difficulty—or impossibility—of adequately demonstrating that not a single atom or molecule would be released.

Accordingly, the Agency believes that it could be appropriate for the Administrator to develop alternative provisions, for example in situations in which nearby USDWs contain elevated levels of radionuclides. New § 191.26 of subpart C of part 191 sets forth procedures under which the Administrator could develop alternatives to subpart C provisions, should this situation arise. Any such changes would have to proceed through the usual notice-and-comment rulemaking process. Section 191.26 stipulates that such a rulemaking would require a public comment period of at least 90 days, to include public hearings in the affected areas of the country. Addition of this section is consistent with § 191.16 in subpart B of part 191 which contains identical provisions.

Furthermore, the approach adopted here for part 191—incorporation of the MCLs as the quantitative measure for protection of USDWs—is not intended to preclude different uses of MCLs or different approaches to protection of human health and the environment in other situations or regulatory programs that do not address spent nuclear fuel or high-level or transuranic radioactive wastes. For example, the Resource Conservation and Recovery Act (RCRA) prohibits land disposal of hazardous waste unless it can be shown that there will be "no migration" of hazardous constituents from the disposal unit for as long the wastes remain hazardous. See, e.g., 42 U.S.C. 6924(g)(5). Under EPA's Land Disposal Restrictions No-Migration Variances, the Agency has affirmed that the "appropriate focus is on whether constituents ever migrate at hazardous levels," and the Agency has in the past used or proposed using MCLs or other health-based levels as the no-migration standard which the disposal unit must meet without regard to total environmental loading (including background) of the hazardous constituent. 55 FR 13073 (April 6, 1990) See also 55 FR 47715 (November 14, 1990); 55 FR 35942 (August 11, 1992) (notice of proposed rulemaking). As explained above, however, EPA is not adopting such an approach in this rule.

Use of the Term "Reasonable Expectation"

As the result of a comment, the term "reasonable expectation" and expanded explanatory sections have been added to §§ 191.15(c) and 191.24(b) which are consistent with their use in the Containment Requirements in § 191.13. This action comes in response to comments made requesting the inclusion of the term and maintains consistency among all parts of the standards. The intention of the Agency, since 1985, has not and does not change with this action. The Agency's intent, both before and after proposal, is for the term to reflect the fact that unequivocal numerical proof of compliance is neither necessary nor likely to be obtained. A similar test, that of "reasonable assurance," has been used with NRC regulations for many years. Although the Agency's intent is similar, the NRC term has not been used in 40 CFR part 191 because "reasonable assurance" has come to be associated with a level of confidence that may not be appropriate for the very long-term analytical projections that are called for in 40 CFR part 191. The use of a different test of judgment is meant to acknowledge the unique considerations likely to be encountered upon implementation of these standards. In its role under the WIPP LWA, EPA will determine what "reasonable expectation" is for the WIPP during its compliance-criteria rulemaking.

Time Frame

Comments regarding the time frame for the individual and ground-water protection requirements suggested a range from 1,000 years to "forever". The Agency has decided to apply the requirements for 10,000 years following disposal. The Agency finds that 1,000 years is not sufficient to encourage finding acceptable disposal sites or designs for robust engineered barriers but, as explained above, does believe that improvements in modeling capability and the availability of better data allows for an extension from the 1,000-year time frame in 1985 to 10,000 years today.

Underground Injection

Many commenters expressed the concern that the EPA proposed amendment to part 144 would preempt the States from enforcing requirements under the UIC program. The Agency also received comments that geologic repositories are clearly not a form of underground injection and should be exempted from the UIC requirements. In addition, one commenter challenged EPA's assertion that facilities which will be subject to 40 CFR part 191 will receive extraordinarily elaborate review with the result being that 40 CFR part 191 would provide protection equivalent to that under the SDWA.

After considering these comments, EPA has concluded that many disposal systems which are subject to 40 CFR part 191 will receive "extraordinarily elaborate" review. However, there could also be future disposal systems not subject to such widespread and thorough review. An example is the GCD, located on the Nevada Test Site, which has not received widespread national or regional attention. The Department of Energy is responsible for ensuring compliance with part 191 for this disposal system since it is not subject to NRC licensing and, unlike at the WIPP, EPA has been given no oversight or approval authority for radioactive materials in the disposal system. Therefore, EPA cannot conclude that the requirements of part 191 under the AEA would provide a degree of oversight and review equivalent to that which would be provided by the corresponding requirements of 40 CFR part 141 under the SDWA. For the reasons stated previously, however, EPA's decision to withdraw its proposal to deem compliance with part 191 to constitute compliance with the UIC regulations, plus the fact that part 191 does provide equivalent protective standards is dispositive of this comment.

EPA has explained elsewhere in this notice its conclusion that the underground disposal of containerized radioactive waste in geologic repositories subject to part 191 does not constitute underground injection. The preemptive effect of this determination, if any, cannot be determined in this rulemaking, but rather must be addressed by the parties to any future proceeding that seeks to apply State underground injection provisions to disposal systems.

Applicability Date

Based on a comment which requested that the new sections not be applied retroactively, the Agency has changed the date of applicability for the individual and ground-water protection sections to January 19, 1994. Part 191 was in effect from November 18, 1985 until July 17, 1987 at which time the Court vacated and remanded the entirety of part 191 including, of course, the individual and ground-water protection sections. With today's repromulgation of the individual and ground-water protection provisions, the Agency believes that it is more reasonable to require compliance with them only for waste disposed of after the effective date of these amendments.

However, the Agency believes that it is reasonable, due to the design nature of the 40 CFR part 191 standards, that the standards which were in existence from 1985 until the First Circuit decision in 1987 are appropriate to be used for activities which occurred, or were begun, during that time rather than imposing new and different standards on such activities. The effective date for § 191.13, Containment Requirements, and indeed all of 40 CFR part 191, except those provisions being promulgated today, remains November 18, 1985. In accord with this, disposal which occurred on or after November 18, 1985 until the effective date of today's action is subject to the standards as they existed on November 18, 1985.

Since there is no indication that Congress intended to allow a regulatory gap in this important area, EPA interprets section 8(a) of the WIPP LWA as reinstating part 191 Subpart B except for those aspects that were remanded by the court, retroactive to July 17, 1987, the date of the First Circuit decision vacating part 191. Any facilities at which disposal-related activities were initiated after the date of the First Circuit decision might not be covered by the ground-water and individual protection requirements of part 191 as promulgated in 1985, which were vacated by the court and not reinstated by Congress. However, EPA is not aware of any such facility.

EPA informed the Department of Energy, prior to the First Circuit decision in 1987, that the 1985 version of part 191 was applicable to any disposal activities at the Greater Confinement Disposal (GCD) Facility. Therefore, any radioactive waste as defined in § 191.02 that was disposed of at the GCD facility is subject to all of the requirements of 40 CFR part 191 promulgated in 1985, and neither the First Circuit decision, the WIPP LWA, nor today's promulgation of revised regulations change that determination.

Finally, it continues to be the Agency's intention that any waste which was disposed prior to the effective date of today's action is not exempt from subparts B and C of 40 CFR part 191 if it is exhumed and redisposed. That disposal will be subject to all the provisions of 40 CFR part 191 as they exist at the time of redisposal.

Revision of Appendix B Organ-weighting Factors

A few commenters stated that EPA had been premature for proposing to use organ- weighting factors published by the ICRP in their Publication Number 60 (ICRP 60). Commenters observed that these factors are inconsistent with the organ-weighting factors currently accepted by all Federal agencies and that EPA should use the factors in ICRP Publication Number 26 (ICRP 26). There was one commenter who supported the use of the ICRP 60 organ-weighting factors.

While not rejecting the validity of the ICRP 60 factors, the Agency has determined that the proposal was premature and has adopted the organ-weighting factors in ICRP 26 for purposes of this rulemaking.

Open the Entirety of 40 CFR Part 191 to Comment

Several commenters stated that the Agency should reopen the entirety of 40 CFR part 191 to comment rather than just a few amendments since Congress did not prohibit EPA from making changes to the reinstated provisions. The argument was also made that Congress had required that the entirety of the disposal standards be reproposed.

The Agency does not agree that Congress required EPA to repropose either the entirety of the disposal standards or any portion thereof, except those being promulgated today. The Congress exercised its legislative powers when it reinstated much of subpart B but did not require any further action by the Agency regarding the reinstated provisions.

The Agency does agree that it is not prohibited from considering and amending other provisions of subpart B. In fact, prior to enactment of the WIPP LWA, the Agency was considering whether changes to other provisions would be appropriate. The Agency's decision not to make such changes today has been influenced by considering the statutory deadline for this action and the reinstatement provisions of the WIPP LWA. By setting a short time frame for issuance of final disposal regulations, Congress expressed its preference for expeditious promulgation of the regulations, and, by reinstating 40 CFR part 191, subpart B (except for the three aspects of §§ 191.15 and 191.16 which were the subject of the court remand), Congress expressed its preference for narrowing the number of issues to be considered. In legislative debate on the WIPP LWA, Senator Bennett Johnston stated, "by reinstating the 1985 standards, the conferees are seeking to narrow the issues that must be revisited by the Environmental Protection Agency so that the Agency will be able to meet the six-month deadline for repromulgation of the remaining portions of the final standards." 138 Cong. Rec. S17,956 (daily ed. Oct. 8, 1992). Thus, the Agency has chosen to amend the individual and the ground-water protection requirements based upon recently available information and advancing scientific capabilities and has solicited comments on those changes. At the same time, to comply with the Congressional deadline as closely as possible, the EPA has limited its consideration of comments to those that apply to the amended provisions. 58 FR 7924, 7932, 7934 (Feb. 10, 1993).

Review of 40 CFR Part 191 in the Future

The Energy Policy Act of 1992 requires EPA to contract with the National Academy of Sciences (NAS) to provide advice to EPA on the development of standards for Yucca Mountain and to develop standards which are consistent with that advice. Realizing that this might result in a form of standards considerably different than those in 40 CFR part 191, several commenters asked that EPA commit to reviewing 40 CFR part 191 following the development of standards for Yucca Mountain to make it consistent with the Yucca Mountain standards.

In developing standards for Yucca Mountain, EPA will need to consider several factors, including the referenced NAS study. In addition, for the same reasons that today's action must take into account standards developed under the SDWA, EPA must consider the part 191 standards as well as SDWA requirements in developing the Yucca Mountain standards. Such consideration will give due regard to any differences in the environmental goals of the respective programs. As stated previously, EPA will consider revisions to part 191 in parallel with the Yucca Mountain rulemaking under the Energy Policy Act of 1992 in order to address today's reservation of final action under part 191 with respect to disposal systems above or within a formation which within one-quarter (1/4) mile of the disposal system contains a USDW. The Agency believes that it is premature to make any further commitment on its future actions regarding this question. It is first necessary to see the results of the NAS study; at that time, EPA will make a judgment as to the need for other revisions of 40 CFR part 191.

Regulatory Analyses

Regulatory Impact Analysis

Under Executive Order No. 12291, the Agency must judge whether a regulation is "major" and thus subject to the requirements of a Regulatory Impact Analysis. The action published today is not major because the rule will not result in an effect on the economy of $100 million per year or more, will not result in increased costs or prices, will not have significant adverse effects on competition, employment, investment, productivity, and innovation, and will not significantly disrupt domestic or export markets. Therefore, the Agency has not prepared a Regulatory Impact Analysis under the Executive Order. The Agency has, however, prepared an Economic Impact Analysis which assesses the costs of today's promulgated standards. This action was submitted to OMB for review under Executive Order 12291 and cleared by OMB under Executive Order 12866.

Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires each Federal agency to consider the effects of their regulations on small entities and to examine alternatives that may reduce these effects. The nature of this action is to limit releases from the disposal of radioactive waste. Since the disposal will only be carried out by the DOE and the waste is being stored and managed by DOE and electric utilities that own and operate nuclear power plants, the Agency certifies that this regulation will not have a significant impact on a substantial number of small entities.

Paperwork Reduction Act

There are no information reporting or recordkeeping requirements associated with this rule.

List of Subjects in 40 CFR Part 191

Environmental protection, Nuclear energy, Radiation protection, Radionuclides, Uranium, Transuranics, Waste treatment and disposal.

Dated: December 3, 1993.

Carol M. Browner,

Administrator.

The Environmental Protection Agency is hereby amending part 191 of title 40, Code of Federal Regulations, as follows:

SUBCHAPTER F—RADIATION PROTECTION PROGRAMS

PART 191—ENVIRONMENTAL RADIATION PROTECTION STANDARDS FOR MANAGEMENT AND DISPOSAL OF SPENT NUCLEAR FUEL, HIGH-LEVEL AND TRANSURANIC RADIOACTIVE WASTES

1. The authority citation for part 191 is revised to read as follows:

Authority: The Atomic Energy Act of 1954, as amended, 42 U.S.C. 2011–2296; Reorganization Plan No. 3 of 1970, 5 U.S.C. app. 1; the Nuclear Waste Policy Act of 1982, as amended, 42 U.S.C. 10101–10270; and the Waste Isolation Pilot Plant Land Withdrawal Act, Pub. L. 102–579, 106 Stat. 4777.

2. Section 191.11(b) is revised to read as follows:

§ 191.11 Applicability.

* * * * *

(b) This subpart does not apply to:

(1) Disposal directly into the oceans or ocean sediments;

(2) Wastes disposed of before November 18, 1985; and

(3) The characterization, licensing, construction, operation, or closure of any site required to be characterized under section 113(a) of Public Law 97–425, 96 Stat. 2201.

3. Section 191.12 is amended by removing the paragraph designations for all definitions and placing them in alphabetical order; by removing the definitions *community water system, significant source of ground water, special source of ground water,* and *transmissivity;* revising the definition of the term *implementing agency;* and adding the following definitions, in alphabetical order, to read as follows:

§ 191.12 Definitions.

* * * * *

Annual committed effective dose means the committed effective dose resulting from one-year intake of radionuclides released plus the annual effective dose caused by direct radiation from facilities or activities subject to subparts B and C of this part.

* * * * *

Dose equivalent means the product of absorbed dose and appropriate factors to account for differences in biological effectiveness due to the quality of radiation and its spatial distribution in the body; the unit of dose equivalent is the "rem" ("sievert" in SI units).

Effective dose means the sum over specified tissues of the products of the dose equivalent received following an exposure of, or an intake of radionuclides into, specified tissues of the body, multiplied by appropriate weighting factors. This allows the various tissue-specific health risks to be summed into an overall health risk. The method used to calculate effective dose is described in Appendix B of this part.

* * * * *

Implementing agency means:

(1) The Commission for facilities licensed by the Commission;

(2) The Agency for those implementation responsibilities for the Waste Isolation Pilot Plant, under this part, given to the Agency by the Waste Isolation Pilot Plant Land Withdrawal Act (Pub. L. 102–579, 106 Stat. 4777) which, for the purposes of this part, are:

(i) Determinations by the Agency that the Waste Isolation Pilot Plant is in compliance with subpart A of this part;

(ii) Issuance of criteria for the certifications of compliance with subparts B and C of this part of the Waste Isolation Pilot Plant's compliance with subparts B and C of this part;

(iii) Certifications of compliance with subparts B and C of this part of the Waste Isolation Pilot Plant's compliance with subparts B and C of this part;

(iv) If the initial certification is made, periodic recertification of the Waste Isolation Pilot Plant's continued compliance with subparts B and C of this part;

(v) Review and comment on performance assessment reports of the Waste Isolation Pilot Plant; and

(vi) Concurrence by the Agency with the Department's determination under § 191.02(i) that certain wastes do not need the degree of isolation required by subparts B and C of this part; and

(3) The Department of Energy for any other disposal facility and all other implementation responsibilities for the Waste Isolation Pilot Plant, under this part, not given to the Agency.

International System of Units is the version of the metric system which has been established by the International Bureau of Weights and Measures and is administered in the United States by the National Institute of Standards and Technology. The abbreviation for this system is "SI."

* * * * *

Radioactive material means matter composed of or containing radionuclides, with radiological half-lives greater than 20 years, subject to the Atomic Energy Act of 1954, as amended.

SI unit means a unit of measure in the International System of Units.

Sievert is the SI unit of effective dose and is equal to 100 rem or one joule per kilogram. The abbreviation is "Sv."

* * * * *

4. Section 191.15 is revised to read as follows:

§ 191.15 Individual protection requirements.

(a) Disposal systems for waste and any associated radioactive material shall be designed to provide a reasonable expectation that, for 10,000 years after disposal, undisturbed performance of the disposal system shall not cause the annual committed effective dose, received through all potential pathways from the disposal system, to any member of the public in the accessible environment, to exceed 15 millirems (150 microsieverts).

(b) Annual committed effective doses shall be calculated in accordance with appendix B of this part.

(c) Compliance assessments need not provide complete assurance that the requirements of paragraph (a) of this section will be met. Because of the long time period involved and the nature of the processes and events of interest, there will inevitably be substantial uncertainties in projecting disposal system performance. Proof of the future performance of a disposal system is not to be had in the ordinary sense of the word in situations that deal with much shorter time frames. Instead, what is required is a reasonable expectation, on the basis of the record before the implementing agency, that compliance with paragraph (a) of this section will be achieved.

(d) Compliance with the provisions in this section does not negate the necessity to comply with any other applicable Federal regulations or requirements.

(e) The standards in this section shall be effective on January 19, 1994.

§ 191.16 [Removed]

5. Section 191.16 is removed.

§§ 191.17 and 191.18 [Redesignated as §§ 191.16 and 191.17]

6. Sections 191.17 and 191.18 are redesignated as §§ 191.16 and 191.17.

7. Subpart C is added to part 191 to read as follows:

Subpart C—Environmental Standards for Ground-Water Protection

Sec.
191.21 Applicability.
191.22 Definitions.
191.23 General provisions.
191.24 Disposal standards.
191.25 Compliance with other Federal regulations.
191.26 Alternative provisions.
191.27 Effective date.

Subpart C—Environmental Standards for Ground-Water Protection

§ 191.21 Applicability.

(a) This subpart applies to:

(1) Radiation doses received by members of the public as a result of activities subject to subpart B of this part; and

(2) Radioactive contamination of underground sources of drinking water in the accessible environment as a result of such activities.

(b) This subpart does not apply to:

(1) Disposal directly into the oceans or ocean sediments;

(2) Wastes disposed of before the effective date of this subpart; and

(3) The characterization, licensing, construction, operation, or closure of any site required to be characterized under section 113(a) of Public Law 97-425, 96 Stat. 2201.

§ 191.22 Definitions.

Unless otherwise indicated in this subpart, all terms have the same meaning as in subparts A and B of this part.

Public water system means a system for the provision to the public of piped water for human consumption, if such system has at least fifteen service connections or regularly serves at least twenty-five individuals. Such term includes:

(1) Any collection, treatment, storage, and distribution facilities under control of the operator of such system and used primarily in connection with such system; and

(2) Any collection or pretreatment storage facilities not under such control which are used primarily in connection with such system.

Total dissolved solids means the total dissolved (filterable) solids in water as determined by use of the method specified in 40 CFR part 136.

Underground source of drinking water means an aquifer or its portion which:

(1) Supplies any public water system; or

(2) Contains a sufficient quantity of ground water to supply a public water system; and

(i) Currently supplies drinking water for human consumption; or

(ii) Contains fewer than 10,000 milligrams of total dissolved solids per liter.

§ 191.23 General provisions.

(a) Determination of compliance with this subpart shall be based upon underground sources of drinking water which have been identified on the date the implementing agency determines compliance with subpart C of this part.

§ 191.24 Disposal standards.

(a) Disposal systems.

(1) *General.* Disposal systems for waste and any associated radioactive material shall be designed to provide a reasonable expectation that 10,000 years of undisturbed performance after disposal shall not cause the levels of radioactivity in any underground source of drinking water, in the accessible environment, to exceed the limits specified in 40 CFR part 141 as they exist on January 19, 1994.

(2) *Disposal systems above or within a formation which within one-quarter (1/4) mile contains an underground source of drinking water.* [Reserved]

(b) Compliance assessments need not provide complete assurance that the requirements of paragraph (a) of this section will be met. Because of the long time period involved and the nature of the processes and events of interest, there will inevitably be substantial uncertainties in projecting disposal system performance. Proof of the future performance of a disposal system is not to be had in the ordinary sense of the word in situations that deal with much shorter time frames. Instead, what is required is a reasonable expectation, on the basis of the record before the implementing agency, that compliance with paragraph (a) of this section will be achieved.

§ 191.25 Compliance with other Federal regulations.

Compliance with the provisions in this subpart does not negate the necessity to comply with any other applicable Federal regulations or requirements.

§ 191.26 Alternative provisions.

The Administrator may, by rule, substitute for any of the provisions of this subpart alternative provisions chosen after:

(a) The alternative provisions have been proposed for public comment in the **Federal Register** together with information describing the costs, risks, and benefits of disposal in accordance with the alternative provisions and the reasons why compliance with the existing provisions of this subpart appears inappropriate;

(b) A public comment period of at least 90 days has been completed, during which an opportunity for public hearings in affected areas of the country has been provided; and

(c) The public comments received have been fully considered in developing the final version of such alternative provisions.

§ 191.27 Effective date.

The standards in this subpart shall be effective on January 19, 1994.

8. The heading of Appendix A is revised to read as follows:

Appendix A to Part 191—Table for Subpart B

9. Appendix B is redesignated as Appendix C to part 191 and the heading is revised to read as follows:

Appendix C to Part 191—Guidance for Implementation of Subpart B

10. A new Appendix B to part 191 is added to read as follows:

Appendix B to Part 191—Calculation of Annual Committed Effective Dose

I. Equivalent Dose

The calculation of the committed effective dose (CED) begins with the determination of the equivalent dose, H_T, to a tissue or organ, T, listed in Table B.2 below by using the equation:

$$H_T = \sum_R D_{T,R} \cdot w_R$$

where $D_{T,R}$ is the absorbed dose in rads (one gray, an SI unit, equals 100 rads) averaged over the tissue or organ, T, due to radiation type, R, and w_R is the radiation weighting factor which is given in Table B.1 below. The unit of equivalent dose is the rem (sievert, in SI units).

TABLE B.1.—RADIATION WEIGHTING FACTORS, W_R[1]

Radiation type and energy range[2]	W_R value
Photons, all energies	1
Electrons and muons, all energies	1
Neutrons, energy < 10 keV	5
10 keV to 100 keV	10
>100 keV to 2 MeV	20
>2 MeV to 20 MeV	10
>20 MeV	5
Protons, other than recoil protons, >2 MeV	5
Alpha particles, fission fragments, heavy nuclei	20

[1] All values relate to the radiation incident on the body or, for internal sources, emitted from the source.

[2] See paragraph A14 in ICRP Publication 60 for the choice of values for other radiation types and energies not in the table.

II. Effective Dose

The next step is the calculation of the effective dose, E. The probability of occurrence of a stochastic effect in a tissue or organ is assumed to be proportional to the equivalent dose in the tissue or organ. The constant of proportionality differs for the various tissues of the body, but in assessing health detriment the total risk is required. This is taken into account using the tissue weighting factors, w_T in Table B.2, which represent the proportion of the stochastic risk resulting from irradiation of the tissue or organ to the total risk when the whole body is irradiated uniformly and H_T is the equivalent dose in the tissue or organ, T, in the equation:

$$E = \sum w_T \cdot H_T$$

TABLE B.2—TISSUE WEIGHTING FACTORS, W_T [1]

Tissue or organ	w_T value
Gonads	0.25
Breast	0.15
Red bone marrow	0.12
Lung	0.12
Thyroid	0.03
Bone surfaces	0.03

TABLE B.2—TISSUE WEIGHTING FACTORS, W_T [1]—Continued

Tissue or organ	w_T value
Remainder	[2] 0.30

[1] The values are considered to be appropriate for protection for individuals of both sexes and all ages.

[2] For purposes of calculation, the remainder is comprised of the five tissues or organs not specifically listed in Table B.2 that receive the highest dose equivalents; a weighting factor of 0.06 is applied to each of them, including the various sections of the gastrointestinal tract which are treated as separate organs. This covers all tissues and organs except the hands and forearms, the feet and ankles, the skin and the lens of the eye. The excepted tissues and organs should be excluded from the computation of H_E.

III. Annual Committed Tissue or Organ Equivalent Dose

For internal irradiation from incorporated radionuclides, the total absorbed dose will be spread out in time, being gradually delivered as the radionuclide decays. The time distribution of the absorbed dose rate will vary with the radionuclide, its form, the mode of intake and the tissue within which it is incorporated. To take account of this distribution the quantity committed equivalent dose, $H_T(\tau)$ where is the integration time in years following an intake over any particular year, is used and is the integral over time of the equivalent dose rate in a particular tissue or organ that will be received by an individual following an intake of radioactive material into the body. The time period, τ, is taken as 50 years as an average time of exposure following intake:

$$H_T(\tau) = \int_{t_0}^{t_0+50} H_T(t)dt$$

for a single intake of activity at time t_0 where $H_T(t)$ is the relevant equivalent-dose rate in a tissue or organ at time t. For the purposes of this part, the previously mentioned single intake may be considered to be an annual intake.

IV. Annual Committed Effective Dose

If the committed equivalent doses to the individual tissues or organs resulting from an annual intake are multiplied by the appropriate weighting factors, w_T, and then summed, the result will be the annual committed effective dose, $E(\tau)$:

$$E(\tau) = \sum_T w_T \cdot H_T(\tau).$$

[FR Doc. 93-30349 Filed 12-17-93; 8:45 am]

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federal register

Monday
December 20, 1993

Part III

Department of the Interior

Bureau of Indian Affairs

Morongo Band of Mission Indians; Alcohol Beverage Control; Notice

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Morongo Band of Mission Indians; Alcohol Beverage Control Law; Southern California

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: This Notice is published in accordance with authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM8, and in accordance with the Act of August 15, 1953, 67 Stat. 586, 18 U.S.C. 1161. This notice certifies that Resolution No. 92/11/01, Morongo Liquor Ordinance was duly adopted by the Morongo Band of Mission Indians on November 9, 1992, and amended by Resolution No. 93/07/01 of July 7, 1993. The Ordinance provides for the regulation of the activities of the manufacture, distribution, sale and consumption of liquor in the area of Indian country under the jurisdiction of the Morongo Band of Mission Indians.

The Department of the Interior (Department) notes that the intent of Article IV, Sections 1 and 2 of the Liquor Ordinance needs clarification. 18 U.S.C. 1154(c) provides for an exception which may or may not be applicable to the land tenure existing upon the Morongo Indian Reservation and the Department disclaims any interpretation contrary to that of the United States Supreme Court in *Rice* v. *Rehner*, 463 U.S. 713 (1983).

DATES: This Ordinance is effective as of December 20, 1993.

FOR FURTHER INFORMATION CONTACT: Chief, Branch of Judicial Services, Division of Tribal Government Services, 1849 C Street NW., MS 2611–MIB, Washington, DC 20240–4001; telephone (202) 208–4400.

SUPPLEMENTARY INFORMATION: The Morongo Band of Mission Indians, Morongo Liquor Ordinance No. 7 is to read as follows:

Liquor Control Ordinance of the Morongo Band of Mission Indians

Chapter I—Introduction

101. *Title.* This ordinance shall be known as the "Morongo Liquor Ordinance".

102. *Authority.* This ordinance is enacted pursuant to the Act of August 15, 1953. (Pub. L. 83–277, 67 Stat. 588, 18 U.S.C. § 1161) and by the authority of the Morongo General Council.

103. *Purpose.* The purpose of this ordinance is to regulate and control the possession and sale of liquor on the Morongo Indian Reservation. The enactment of a tribal ordinance governing liquor possession and sale on the reservation will increase the ability of the tribal government to control reservation liquor distribution and possession, and at the same time will provide an important source of revenue for the continued operation and strengthening of the tribal government and the delivery of tribal government services.

104. *Effective Date.* This ordinance shall be effective on certification by the Secretary of the Interior and its publication in the **Federal Register**.

Article I. Declaration of Public Policy and Purpose

(a) The introduction, possession, and sale of liquor on the Morongo Indian Reservation is a matter of special concern to the Morongo Band of Mission Indians.

(b) Federal Law currently prohibits the introduction of liquor into Indian Country (18 U.S.C. 1154), except as provided therein and expressly delegates to the tribes the decision regarding when and to what extent liquor transactions shall be permitted (18 U.S.C. 1161).

(c) The Morongo Tribal Council finds that a complete ban on liquor within the Morongo Reservation is ineffective and unrealistic. However, it recognizes that a need still exists for strict regulation and control over liquor transactions within the Reservation, because of the many potential problems associated with the unregulated or inadequately regulated sale, possession, distribution, and consumption of liquor. The Tribal Council finds that exclusive tribal control and regulation of liquor is necessary to achieve maximum economic benefit to the tribe, to protect the health and welfare of our tribal members, and to address specific tribal concerns relating to alcohol use on the reservation.

(d) It is in the best interests of the Band to enact a tribal ordinance governing liquor sales on the Morongo Reservation and which provides for exclusive purchase, distribution, and sale of liquor only on tribal lands within the exterior boundaries of the Reservation. Further, the Band has determined that said purchase, distribution, and sale shall take place only at tribally-owned enterprises and/or tribally licensed establishments operating on land leased from or otherwise owned by the tribe as a whole.

(e) The Morongo Tribe finds that the sale or other commercial distribution of liquor on allotted land is not in the best interests of the Band and is therefore prohibited.

(f) The Morongo Band finds that violations of this ordinance would damage the Band in an amount of $500 per violation because of the costs of enforcement, investigation, adjudication and disposition of such violations.

Article II. Definitions

As used in this title, the following words shall have the following meanings unless the context clearly requires otherwise.

(a) "Alcohol". That substance known as ethyl alcohol, hydrated oxide of ethyl, or spirit of wine which is commonly produced by the fermentation or distillation of grain, starch, molasses, or sugar, or other substances including all dilutions and mixtures of this substance.

(b) "Alcoholic Beverage". Is synonymous with the term "liquor" as defined in Section 2(e) of this Chapter.

(c) "Allotted Land" or "Allotment". Means any land held in trust by the United States for an individual Indian or for more that one named Indian within the boundaries of the Morongo Indian Reservation.

(d) "Bar". Means any establishment with special space and accommodations for sale by the glass and for consumption on the premises, of beer, as herein defined.

(e) "Beer". Means any beverage obtained by the alcoholic fermentation of an infusion or decoction of pure hops, or pure extract of hops and pure barley malt or other wholesome grain or cereal in pure water containing not more than four percent of alcohol by volume. For the purposes of this title, any such beverage, including ale, stout, and porter, containing more than four percent of alcohol by weight shall be referred to as "strong beer".

(f) "General Council". Means the general council of the Morongo Band of Mission Indians which is composed of the voting membership of the Band as a whole.

(g) "Liquor". Includes the four varieties of liquor herein defined (alcohol, spirits, wine, and beer), and all fermented, spirituous, vinous, or malt liquor or combinations thereof, and mixed liquor, a part of which is fermented, spirituous, vinous, or malt liquor, or otherwise intoxicating; and every liquid or solid or semisoiid or other substance, patented or not, containing alcohol, spirits, wine or beer, and all drinks or drinkable liquids and all preparations or mixtures capable of human consumption and any liquid, semisolid, solid, or other substances, which contains more than one percent of alcohol by weight shall be conclusively deemed to be intoxicating.

(h) "Liquor Store". Means any store at which liquor is sold and, for the purpose of this ordinance, including stores only a portion of which are devoted to sale of liquor or beer.

(i) "Malt Liquor". Means beer, strong beer, ale, stout, and porter.

(j) "Package". Means any container or receptacle used for holding liquor.

(k) "Public Place". Includes state or county or tribal or federal highways or roads; buildings and grounds used for school purposes; public dance halls and grounds adjacent thereto; soft drink establishments, public buildings, public meeting halls, lobbies, halls and dining rooms of hotels, restaurants, theaters, gaming facilities, entertainment centers, stores, garages, and filling stations which are open to and/or are generally used by the public and to which the public is permitted to have unrestricted access; public conveyances of all kinds and character; and all other places of like or similar nature to which the general public has unrestricted right of access, and which are generally used by the public. For the purpose of this ordinance, "Public Place" shall also include any establishment other than a single family home which is designed for or may be used by more than just the owner of the establishment.

(l) "Sale" and "Sell". Include exchange, barter and traffic; and also include the selling or supplying or distributing, by any means whatsoever, of liquor, or of any liquid known or described as beer or by any name whatsoever commonly used to describe malt or brewed liquor or of wine by any person to any person.

(m) "Spirits". Means any beverage, which contains alcohol obtained by distillation, including wines exceeding seventeen percent of alcohol by weight.

(n) "Tribal Council". Means the Morongo Tribal Council.

(o) "Tribal Land". Means any land within the exterior boundaries of the Morongo Indian Reservation which is held in trust by the United States for the Morongo Band as a whole and not for any named individual Indians.

(p) "Wine". Means any alcoholic beverage obtained by fermentation of fruits (grapes, berries, apples, etc.) or other agricultural product containing sugar, to which any saccharine substances may have been added before, during of after fermentation, and containing not more than seventeen percent of alcohol by weight, including sweet wines fortified with wine spirits, such as port, sherry, muscatel and angelica, not exceeding seventeen percent of alcohol by weight.

Article III. Powers of Enforcement

Section 1. The Tribal Council, in furtherance of this ordinance, shall have the following powers and duties:

(1) To publish and enforce rules and regulations adopted by the Morongo Tribal Council governing the sale, manufacture and distribution of alcoholic beverages on the Morongo Reservation;

(2) To employ managers, accountants, security personnel, inspectors and such other persons as shall be reasonably necessary to allow the Tribal Council to perform its functions. Such employees shall be tribal employees;

(3) To issue licenses permitting the sale or manufacture or distribution of liquor on the Morongo Indian Reservation;

(4) To hold hearings on violations of this ordinance or for the issuance or revocation of licenses hereunder;

(5) To bring suit in the appropriate court to enforce this ordinance as necessary;

(6) To determine and seek damages for violation of the ordinance;

(7) To make such reports as may be required by the Morongo General Council;

(8) To collect taxes and fees levied or set by the Morongo Tribal Council and to keep accurate records, books and accounts; and

(9) To exercise such other powers as are delegated by the Morongo General Council.

Section 2. *Limitation on Powers*. In the exercise of its powers and duties under this ordinance, the Morongo Tribal Council and its individual members shall not:

(1) Accept any gratuity, compensation or other thing of value from any liquor wholesaler, retailer, or distributor or from any licensee;

(2) Waive the immunity of the Morongo Tribe from suit without the express consent of the Morongo General Council.

Section 3. *Inspection Rights*. The premises on which liquor is sold or distributed shall be open for inspection by the Tribal Council at all reasonable times for the purposes of ascertaining whether the rules and regulations of the Morongo Tribal Council and the liquor laws of the Morongo Reservation are being complied with.

Article IV. Sales of Liquor

Section 1. *License Required*. No sales of alcoholic beverages shall be made within the exterior boundaries of the Morongo Reservation, except at a tribally-licensed or tribally-owned business operated on tribal land within the exterior boundaries of the Reservation.

Section 2. *Sales Only Tribal Land*. All liquor sales within the exterior boundaries of the Morongo Reservation shall be on tribal trust land. No liquor sales shall be allowed within the exterior boundaries of the Morongo Reservation or on allotments.

Section 3. *Sales for Cash*. All liquor sales within the Reservation boundaries shall be on a cash only basis and no credit shall be extended to any person, organization, or entity, except that this provision does not prevent the payment for purchases with the use of credit cards such as Visa, Master Card, American Express, etc.

Section 4. *Sale for Personal Consumption*. All sales shall be for the personal use and consumption of the purchaser. Resale of any alcoholic beverage purchased within the exterior boundaries of the Reservation is prohibited. Any person who is not licensed pursuant to this ordinance who purchases an alcoholic beverage within the boundaries of the Reservation and sells it, whether in the original container or not, shall be guilty of a violation of this ordinance and shall be subjected to paying damages to the Band as set forth herein.

Article V. Licensing

Section 1. *Procedure*. In order to control the proliferation of establishments on the Reservation which sell or provide liquor by the bottle or by the drink, all persons or entities which desire to sell liquor within the exterior boundaries of the Morongo Indian Reservation must apply to the Morongo Band for a license to sell or provide liquor; provided, however, that no license is necessary to provide liquor within one's private single-family residence on the Reservation.

Section 2. *State Licensing*. No person shall be allowed or permitted to sell or provide liquor on the Morongo Reservation if he/she does not also have a license from the State of California. If such license from the State shall be revoked or suspended, the Tribal license shall automatically be revoked or suspended as well.

Section 3. *Application*. Any person applying for license to sell or provide liquor on the Reservation must fill in the application provided by this purpose by the Morongo Band and pay such application fee as may be set from time to time by the Tribal Council for this purpose. Said application must be filled out completely in order to be considered.

Section 4. *Issuance of License.* The Tribal Council may issue a license if it believes that such issuance is in the best interests of the Morongo Band and its members.

Section 5. *Period of License.* Each license may be issued for a period not to exceed two (2) years from the date of issuance.

Section 6. *Renewal of License.* A licensee hold may renew its license if it has complied in full with this ordinance and has maintained its licensure with the State of California; provided, however, that the Tribal Council may refuse to renew a license if it finds that doing so would not be in the best interests of the health and safety of the Morongo Band.

Section 7. *Revocation of License.* The Tribal Council may revoke a license for reasonable cause upon notice and hearing at which the licensee is given an opportunity to respond to any charges against it and to demonstrate why the license should not be suspended or revoked.

Section 8. *Transferability of Licenses.* Licenses issued by the Tribal Council shall not be transferable and may only be utilized by the person or entity in whose name it was issued.

Article VI. Taxes

Section 1. *Sales Tax.* There is hereby levied and shall be collected a tax on each retail sale of alcoholic beverages on the Reservation in the amount of one percent (1%) of the retail sales price. The tax imposed by this section shall apply to all retail sales of liquor on the Reservation.

Section 2. *Payment of Taxes to Tribe.* All taxes from the sale of alcoholic beverages on the Morongo Reservation shall be paid over to the General Treasury of the Morongo Band and be subject to the distribution by the Morongo Tribal Council in accordance with its usual appropriation procedures for essential governmental and social services.

Section 3. *Taxes Due.* All taxes for the sale of alcoholic beverages on the Reservation are due on the 1st day of the month following the end of the calendar quarter for which the taxes are due. Past due taxes shall accrue interest at 18% per annum.

Section 4. *Reports.* Along with payment of the taxes imposed herein, the tax payer shall submit an accounting for the quarter of all income from the sale or distribution of said beverages as well as for the taxes collected.

Section 5. *Audit.* As a condition of obtaining a license, the licensee must agree to the review or audit of its book and records relating to the sale of alcoholic beverages on the Reservation. Said review or audit may be done periodically by the tribe through its agents or employees whenever, in the opinion of the Tribal Council such a review or audit is necessary to verify the accuracy of reports.

Article VII. Rules, Regulations and Enforcement

Section 1. In any proceeding under this title, proof of one unlawful sale or distribution of liquor shall suffice to establish *prima facie* intent or purpose of unlawfully keeping liquor for sale, selling liquor or distributing liquor in violation of this title.

Section 2. Any person who shall sell or offer for sale or distribute or transport in any manner, any liquor in violation of this ordinance, or who shall operate or shall have liquor in his possession with a permit, shall be guilty of a violation of this ordinance subjecting him or her to civil damages assessed by the Tribal Council.

Section 3. Any person within the boundaries of the Morongo Reservation who buys liquor from any person other than a properly licensed facility shall be guilty of a violation of this ordinance.

Section 4. Any person who keeps or possesses liquor upon his person or in any place or on premises conducted or maintained by his principal or agent with the intent to sell or distribute it contrary to the provisions of this title, shall be guilty of a violation of this ordinance.

Section 5. Any person who sells liquor to a person apparently under the influence of liquor shall be guilty of a violation of this ordinance.

Section 6. Any person engaged wholly or in part in the business of carrying passengers for hire, and every agent, servant, or employee of such person who shall knowingly permit any person to drink any liquor in any public conveyance shall be guilty of an offense. Any person who shall drink any liquor in a public conveyance shall be guilty of a violation of this ordinance.

Section 7. No person under the age of 21 years shall consume, acquire or have in his possession any alcoholic beverages. No person shall permit any other person under the age of 21 to consume liquor on his premises or any premises under his control except in those situations set out in this section. Any person violating this section shall be guilty of a separate violation of this ordinance for each and every drink so consumed.

Section 8. Any person who shall sell or provide any liquor to any person under the age of 21 years shall be guilty if a violation of this ordinance for each such sale or drink provided.

Section 9. Any person who transfers in any manner an identification of age to a minor for the purpose of permitting such minor to obtain liquor shall be guilty of an offense; provided, that corroborative testimony of a witness other than the minor shall be a requirement of finding a violation of this ordinance.

Section 10. Any person who attempts to purchase an alcoholic beverage through the use of false or altered identification which falsely purports to show the individual to be over the age of 21 years shall be guilty of violating this ordinance.

Section 11. Any person guilty of a violation of this ordinance shall be liable to pay the Morongo Band the amount of $500 per violation as civil damages to defray the Band's cost of enforcement of this ordinance.

Section 12. Where there may be a question of a person's right to purchase liquor by reason of his age, such person shall be required to present any one of the following officially issued cards of identification which shows his correct age and bears his signature and photograph:

(1) driver's license of any state or identification card issued by any state Department of Motor Vehicles;

(2) United States Active Duty Military;

(3) passport.

Section 13. Alcoholic beverages which are possessed contrary to the terms of this ordinance are declared to be contraband. Any tribal agent, employee, or officer who is authorized by the Tribal Council to enforce this section shall seize all contraband which he shall have the authority to seize.

Section 14. Any officer seizing contraband shall preserve the contraband in accordance with the provisions established for the preservation of impounded property in the California Code. Upon being found in violation of the Ordinance by the Tribal Council, the party shall forfeit all right, title and interest in the items seized which shall become the property of the Morongo Band of Mission Indians.

Article VIII. Abatement

Section 1. Any room, house, building, vehicle, structure, or other place where liquor is sold, manufactured, bartered, exchanged, given away, furnished, or otherwise disposed of in violation of the provisions of this ordinance or of any other tribal law relating to the manufacture, importation, transportation, possession, distribution, and sale of liquor, and all property kept in and used in maintaining such place, are hereby declared to be a common nuisance.

Section 2. The Chairman of the Morongo Tribal Council or, if he fails or refuses to do so, the majority of the Tribal Council shall institute and maintain an action in the proper Court in the name of the Tribe to abate and perpetually enjoin any nuisance declared under this title. The plaintiff shall not be required to file grounds in the action, and restraining orders, temporary injunctions and permanent injunctions may be granted in the cause as in other injunction proceedings and upon final judgment against the defendant the Court may also order the room, house, building, vehicle, structure, or place closed for a period of one (1) year or until the owner, lessee, tenant, or occupant thereof shall give bond of sufficient sum of not less than $25,000.00 payable to the Tribe and conditioned that liquor will not be thereafter manufactured, kept, sold, bartered, exchanged, given away, furnished, or otherwise disposed of thereof in violation of the provisions of this title of any other applicable tribal law and that he will pay all fines, costs and damages assessed against him for any violation of this title or other tribal liquor laws. If any conditions of the bond be violated, the whole amount may be recovered for the use of the Tribe.

Section 3. In all cases where any person has been found responsible for a violation of this ordinance relating to the manufacture, importation, transportation, possession, distribution, and sale of liquor, an action may be brought to abate as a nuisance any real estate or other property involved in the violation of the ordinance and violation of this ordinance shall be *prima facie* evidence that the room, house, building, vehicle, structure, or place against which such action is brought is a public nuisance.

Article IX. Profits

The gross proceeds collected by the Tribal Council from all licensing provided herein from taxation of the sales of alcoholic beverages on the Morongo Reservation shall be distributed as follows:

(1) For the payment of all necessary personnel, administrative costs and legal fees for the operations and its activities.

(2) The remainder shall be turned over to the General Fund of the Morongo Tribe in monthly payments and expended by the Morongo Tribal Council for governmental services for the tribe.

Article X. Severability and Effective Date

Section 1. If any provision or application of this ordinance is determined by review to be invalid, such adjudication shall not be held to render ineffectual the remaining portions of this title or to render such provisions inapplicable to other persons or circumstances.

Section 2. This Ordinance shall be effective on such date as the Secretary of the Interior certifies this ordinance and publishes the same in the **Federal Register**.

Section 3. Any and all prior enactments of the Morongo Tribal Council which are inconsistent with the provisions of this ordinance are hereby rescinded.

Section 4. All acts and transactions under this ordinance shall be in conformity with the laws of the State of California as that term is used in 18 U.S.C. 1161.

Article XI. Amendment

This ordinance may only be amended by a vote of the Morongo General Council.

Ada E. Deer,

Assistant Secretary—Indian Affairs.

[FR Doc. 93-30958 Filed 12-17-93; 8:45 am]

BILLING CODE 4310-02-P

federal register

Monday
December 20, 1993

Part IV

Department of the Interior

Bureau of Indian Affairs

Indian Gaming; Tulalip Tribes of Washington and State of Washington; Notice

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Indian Gaming; Tulalip Tribes of Washington and State of Washington

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of Approved Tribal-State Compact.

SUMMARY: Pursuant to 25 U.S.C. 2710, of the Indian Gaming Regulatory Act of 1988 (Pub. L. 100–497), the Secretary of the Interior shall publish, in the **Federal Register**, notice of approved Tribal-State Compacts for the purpose of engaging in Class III (casino) gaming on Indian reservations. The Second Amendment was submitted more than 45 days ago. Therefore, the Amendment to the September 25, 1991, Tribal/State Compact for Class III Gaming Between the Tulalip Tribes of Washington and the State of Washington executed on September 21, 1993, is considered approved to the extent it is consistent with the provisions of the Indian Gaming Regulatory Act.

DATES: This action is effective December 20, 1993.

FOR FURTHER INFORMATION CONTACT: Hilda Manuel, Director, Indian Gaming Management Staff, Bureau of Indian Affairs, Washington, DC 20240, (202) 219–4066.

Dated: December 7, 1993.

Ada E. Deer,

Assistant Secretary—Indian Affairs.

[FR Doc. 93–30959 Filed 12–17–93; 8:45 am]

BILLING CODE 4310–02–P

federal register

Monday
December 20, 1993

Part V

The President

Proclamation 6641—To Implement the North American Free Trade Agreement, and for Other Purposes

Federal Register
Vol. 58, No. 242
Monday, December 20, 1993

Presidential Documents

Title 3—

The President

Proclamation 6641 of December 15, 1993

To Implement the North American Free Trade Agreement, and for Other Purposes

By the President of the United States of America

A Proclamation

1. On December 17, 1992, the President entered into the North American Free Trade Agreement ("the NAFTA"). The NAFTA was approved by the Congress in section 101(a) of the North American Free Trade Agreement Implementation Act ("the NAFTA Implementation Act") (Public Law 103–182, 107 Stat. 2057).

2. Section 201 of the NAFTA Implementation Act authorizes the President to proclaim such modifications or continuation of any duty, such continuation of duty-free or excise treatment, or such additional duties, as the President determines to be necessary or appropriate to carry out Articles 302 (including the schedule of United States duty reductions with respect to originating goods set forth or incorporated in Annex 302.2 to the NAFTA), 305, 307, 308, and 703 of the NAFTA and enumerated Annexes thereto, and to accord the preferential tariff and other customs treatment provided in the NAFTA for certain other goods.

3. Sections 202 and 321 of the NAFTA Implementation Act provide certain rules for determining whether goods originate in the territory of a NAFTA party and thus are eligible for the tariff and certain other treatment contemplated under the NAFTA. I have decided that it is necessary to include these rules of origin, together with particular rules applicable to certain other goods, in the Harmonized Tariff Schedule of the United States ("the HTS").

4. Pursuant to section 466 of the Tariff Act of 1930, as amended (19 U.S.C. 1466), the rate of duty imposed on equipments, or any part thereof, including boats, purchased for, or the repair parts or the materials to be used, or the expenses of repairs made in a foreign country upon a U.S.-documented vessel at its first arrival in any port of the United States is 50 percent ad valorem. Such duty does not apply to the cost of repair parts, materials, or expenses of repairs in a foreign country upon U.S. civil aircraft, as defined in general note 6 to the HTS (as redesignated by Annex I to this proclamation). I have determined that it is necessary or appropriate to continue the duty treatment previously proclaimed for such equipments, or any part thereof, originating in the territory of Canada and the expenses of repairs made in the territory of Canada upon U.S.-documented vessels (other than civil aircraft), as set forth in Annex 307.1 to the NAFTA. I have further determined that it is necessary or appropriate to provide for staged reductions in the rate of duty on such equipments, or any part thereof, originating in the territory of Mexico and the expenses of repairs made in the territory of Mexico upon U.S.-documented vessels (other than civil aircraft), as set forth in Annex 307.1 to the NAFTA.

5. Pursuant to section 201(a)(2) of the NAFTA Implementation Act, Mexico is to be removed from the enumeration of designated beneficiary developing countries eligible for the benefits of the Generalized System of Preferences ("GSP"). This action must be reflected in the HTS. Further, pursuant to section 504(c) of the Trade Act of 1974 ("the 1974 Act") (19 U.S.C. 2464(c)), I have determined that certain preferential tariff treatment previously afforded

to other designated beneficiary developing countries for purposes of the GSP should be continued in the HTS provisions established by Annex II to this proclamation, and that other technical and conforming changes are necessary to reflect that Mexico is no longer eligible to receive benefits of the GSP.

6. Section 4 of the United States-Israel Free Trade Area Implementation Act of 1985 ("the Israel FTA Implementation Act") (19 U.S.C. 2112 note) and Presidential Proclamation No. 5365 of August 30, 1985, implemented reduced duties for products of Israel. I have determined that the duty-free treatment previously proclaimed for goods covered by provisions of the former Tariff Schedules of the United States enumerated in Annex X to Presidential Proclamation No. 5365 should be reflected in the pertinent HTS provisions as of the date provided in such Annex.

7. Section 681(b)(1) of the NAFTA Implementation Act provides for a new "Note 4" to be added to chapter 86 of the HTS. Pursuant to the International Convention on the Harmonized Commodity Description and Coding System ("the Harmonized System"), approved by the Congress in section 1203 of the Omnibus Trade and Competitiveness Act of 1988 ("the 1988 Act") (19 U.S.C. 3003), the provisions designated as "Notes" in chapters 1 through 97 of the HTS reflect the corresponding provisions of the Harmonized System, while the designation "Additional U.S. Note" is given to any provision in such a chapter that is of U.S. origin. Accordingly, pursuant to section 1204 of the 1988 Act (19 U.S.C. 3004), I have decided that it is appropriate to insert in chapter 86 of the HTS as "Additional U.S. Note 1" the new note enacted in such section 681(b)(1) of the NAFTA Implementation Act.

8. Pursuant to section 1102(a) of the 1988 Act (19 U.S.C. 2902(a)), on December 5, 1988, the United States entered into a trade agreement providing for the reduction of rates of duty applicable to imports of certain tropical products. This trade agreement with other contracting parties to the General Agreement on Tariffs and Trade (61 Stat. (parts 5 and 6)), as amended, committed the United States to make, on a provisional basis, temporary tariff reductions on enumerated tropical products. Such tariff reductions were accorded by Presidential Proclamation No. 6030 of September 28, 1989, effective through December 31, 1992, and were subsequently extended through December 31, 1993, by Presidential Proclamation No. 6515 of December 16, 1992.

9. Pursuant to section 1102 of the 1988 Act (19 U.S.C. 2902), I have determined that the modification or continuance of existing duties is required or appropriate to carry out the trade agreement on tropical products. Accordingly, I have decided to extend the effective period of the temporary duty reductions on such enumerated tropical products, as set forth in heading 9903.10.01 through 9903.10.42, inclusive, of the HTS, through December 31, 1994.

10. Section 604 of the 1974 Act (19 U.S.C. 2483), as amended, confers authority upon the President to embody in the HTS the substance of relevant provisions of that Act, of other Acts affecting import treatment, and of actions taken thereunder.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, acting under the authority vested in me by the Constitution and the laws of the United States of America, including but not limited to title II and section 321 of the NAFTA Implementation Act, sections 504 and 604 of the 1974 Act (19 U.S.C. 2464(c) and 2483), sections 201 and 203 of the Automotive Products Trade Act of 1965 ("the APTA") (19 U.S.C. 2011 and 2013), and sections 1102(a) and 1204 of the 1988 Act (19 U.S.C. 2902(a) and 3004), do proclaim that:

(1) In order to provide generally for the preferential tariff treatment being accorded under the NAFTA, to set forth rules for determining the country of origin of goods imported into the customs territory of the United States for purposes of the NAFTA and of the APTA, to reflect Mexico's removal from the enumeration of designated beneficiary developing countries for

purposes of the GSP, and to make technical and conforming changes in the general notes to the HTS, the HTS is modified as set forth in Annex I to this proclamation.

(2) In order to provide preferential duty and certain other treatment to particular goods originating in the territory of a NAFTA party, as well as to certain other goods, to provide tariff-rate quotas with respect to particular goods originating in the territory of Mexico, to make technical and conforming changes in specified HTS provisions, and to continue the preferential tariff treatment previously accorded to particular goods that are the products of eligible countries and reflected in the "Special" rates of duty subcolumn of column 1 of the HTS, the HTS is modified as set forth in Annex II to this proclamation.

(3) (a) In order to provide other preferential treatment for certain goods originating in the territory of a NAFTA party and for certain other goods, and to make additional technical and conforming changes to reflect the removal of Mexico from eligibility for benefits of the GSP, the HTS is modified as provided in section (a) of Annex III to this proclamation.

(b) In order to provide for or to continue staged reductions in duties for goods originating in the territory of a NAFTA party, the HTS is modified as provided in sections (b), (c), and (d) of Annex III to this proclamation, effective on the date specified in such Annex sections for each such provision and on any subsequent dates set forth for such provisions in Annex III columns.

(c) In order to make conforming changes in the "Special" rates of duty subcolumn for purposes of the GSP, to continue staged reductions in duties previously proclaimed for purposes of the Israel FTA Implementation Act, and to reflect in the HTS the duty-free treatment previously proclaimed for certain goods that are products of Israel pursuant to the Israel FTA Implementation Act, the HTS is modified as provided in section (e) of Annex III to this proclamation.

(4) In order to implement the staged reductions in the rate of duty otherwise applicable under section 466 of the Tariff Act of 1930 to the equipments, or any part thereof, including boats, originating in the territory of Mexico and the expenses of repairs made in the territory of Mexico upon U.S.-documented vessels (others than civil aircraft, as defined in general note 6 to the HTS (as redesignated by Annex I to this proclamation)), such equipments, parts (including boats), and expenses of repairs shall be subject to duty at a rate of 40 percent ad valorem, effective with respect to such U.S.-documented vessels (other than civil aircraft) arriving in any port of the United States on or after the date of entry into force of the NAFTA under this proclamation. Effective with respect to any U.S.-documented vessel (other than civil aircraft) arriving in any port of the United States on or after January 1 in each of the following years, the rate of duty set forth opposite the appropriate year shall be assessed on such equipments, parts, and repairs:

1995—30 percent ad valorem
1996—20 percent ad valorem
1997—10 percent ad valorem
1998 and thereafter—Free

(5) In order to correct the designation of the provisions added as "Note 4" to chapter 86 of the HTS by section 681(b)(1) of the NAFTA Implementation Act, the text of such note as previously enacted shall be designated as "Additional U.S. Note 1" to chapter 86 of the HTS, effective as of the date of enactment of the NAFTA Implementation Act.

(6) In order to extend the effective period of the previously proclaimed duty reductions on enumerated tropical products, the rates of duty set forth in HTS headings 9903.10.01 through 9903.10.42 shall be effective with respect to goods entered, or withdrawn from warehouse for consumption, through December 31, 1994.

(7) (a) All previously issued proclamations and Executive orders are hereby superseded to the extent inconsistent with this proclamation, except as provided in paragraph (b).

(b) If the NAFTA enters into force with respect to both Canada and Mexico, Presidential Proclamation No. 5923 of December 14, 1988, is superseded to the extent provided in this proclamation. If the NAFTA does not enter into force with respect to both Canada and Mexico, Presidential Proclamation No. 5923 is not superseded.

(8) (a) The amendments made by paragraphs (2) and (3) of this proclamation shall be effective with respect to goods entered, or withdrawn from warehouse for consumption, on or after the dates indicated in Annexes II and III to this proclamation.

(b) Except as provided in subparagraph (a) and in paragraphs (4) and (5), this proclamation shall be effective with respect to goods entered, or withdrawn from warehouse for consumption, on or after January 1, 1994, or, if the NAFTA does not enter into force on January 1, 1994, on or after such later date as the NAFTA enters into force.

(c) If the date of entry into force with respect to Mexico or Canada is later than January 1, 1994, the United States Trade Representative shall publish notice of that later date in the **Federal Register**. Should this occur, all other references to January 1, 1994, in this proclamation and its Annexes shall then be deemed to refer to such later date of entry into force with respect to that NAFTA party.

IN WITNESS WHEREOF, I have hereunto set my hand this fifteenth day of December, in the year of our Lord nineteen hundred and ninety-three, and of the Independence of the United States of America the two hundred and eighteenth.

William J. Clinton

ANNEX I

MODIFICATIONS TO THE GENERAL NOTES TO THE
HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES

The Harmonized Tariff Schedule of the United States ("HTS") is modified as set forth below, with the provisions herein referred to as being redesignated comprising those in effect on the day prior to the date of signature of this proclamation:

1. The General Rules of Interpretation and the Additional U.S. Rules of Interpretation are moved so as to appear immediately before the provisions entitled "General Notes".

2 (a). Subdivisions (c)(i)(A), (c)(i)(B), (c)(i)(B)(1), (c)(i)(B)(2), (c)(i)(C), and (c)(i)(D) of general note 3 are redesignated as (c)(i), (c)(ii), (c)(ii)(A), (c)(ii)(B), (c)(iii), and (c)(iv), respectively.

(b) Subdivision (c)(i) of such note 3, as redesignated in the preceding paragraph, is modified by striking "United States-Canada Free-Trade Agreement.....CA" and by inserting in lieu thereof the following:

"North American Free Trade Agreement:
Goods of Canada, under the terms of
general note 12 to this schedule............CA
Goods of Mexico, under the terms of
general note 12 to this schedule............MX"

(c) Subdivisions (c)(ii) and (c)(iii) of such note 3, as redesignated, are each modified by striking out "subdivision (c) of this note" and by inserting in lieu thereof "general notes 4 through 12"; and subdivision (c)(ii)(B), as redesignated, is modified by striking "subdivision (B)(1)" and by inserting in lieu thereof "subdivision (c)(ii)(A)".

3 (a). Subdivision (c)(ii) of general note 3 is redesignated as general note 4, and its existing provisions are redesignated as subdivisions (a), (b), (c), and (d), respectively, of such note 4.

(b) Subdivision (a) of such note 4, as redesignated in the preceding paragraph, is modified by striking "Mexico" from the enumeration of independent beneficiary developing countries.

(c) Subdivision (b) of such note 4, as redesignated, is modified by striking "subdivision (c)(ii)(C)" and by inserting in lieu thereof "subdivision (c)".

(d) Subdivision (c) of such note 4, as redesignated, is modified by striking "subdivision (c)(ii)(A)" and by inserting in lieu thereof "subdivision (a)"; and by striking at each occurrence "subdivision (c)(ii)(D)" and by inserting in lieu thereof "subdivision (d)".

Annex I (con.)
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(d)(1) Subdivision (d) of such note 4, as redesignated, is modified by striking out "subdivision (c)(v)(C)" and by inserting in lieu thereof "subdivision (c)".

(2) Subdivision (d) of such note 4 is further modified as follows:

(i) by deleting the following HTS provisions and country set forth therewith from the enumerated subheadings for which designated beneficiary countries are excluded from benefits of the Generalized System of Preferences:

0702.00.60	Mexico	3920.71.00	Mexico	8507.30.00	Mexico
0703.20.00	Mexico	3926.90.87	Mexico	8509.90.20	Mexico
0704.10.40	Mexico	4804.31.60	Mexico	8512.40.40	Mexico
0704.10.60	Mexico	4818.50.00	Mexico	8512.90.20	Mexico
0704.20.00	Mexico	4820.90.00	Mexico	8516.10.00	Mexico
0705.11.40	Mexico	6210.10.20	Mexico	8516.80.80	Mexico
0705.19.40	Mexico	6307.90.60	Mexico	8522.10.00	Mexico
0707.00.20	Mexico	6810.11.00	Mexico	8523.11.00	Mexico
0707.00.40	Mexico	6905.10.00	Mexico	8535.40.00	Mexico
0708.10.40	Mexico	7008.00.00	Mexico	8536.50.00	Mexico
0709.30.20	Mexico	7202.11.10	Mexico	8536.61.00	Mexico
0709.30.40	Mexico	7202.19.50	Mexico	8539.90.00	Mexico
0709.60.00	Mexico	7314.19.00	Mexico	8541.40.80	Mexico
0709.90.05	Mexico	7320.10.30	Mexico	8543.80.90	Mexico
0709.90.20	Mexico	7321.11.30	Mexico	8544.51.80	Mexico
0804.50.60	Mexico	7322.90.00	Mexico	8548.00.00	Mexico
0807.10.20	Mexico	7323.94.00	Mexico	8708.21.00	Mexico
0807.10.70	Mexico	7401.10.00	Mexico	8708.29.00	Mexico
0807.20.00	Mexico	8407.34.20	Mexico	8713.10.00	Mexico
0810.10.40	Mexico	8415.82.00	Mexico	8716.39.00	Mexico
0810.90.40	Mexico	8415.90.00	Mexico	9006.99.00	Mexico
0811.10.00	Mexico	8422.90.05	Mexico	9022.29.40	Mexico
1901.90.90	Mexico	8424.20.10	Mexico	9026.80.60	Mexico
1905.90.90	Mexico	8428.90.00	Mexico	9032.89.60	Mexico
2001.90.39	Mexico	8431.42.00	Mexico	9401.20.00	Mexico
2005.90.55	Mexico	8471.99.34	Mexico	9403.90.60	Mexico
2202.10.00	Mexico	8481.80.90	Mexico	9405.91.30	Mexico
2203.00.00	Mexico	8501.40.40	Mexico	9613.80.20	Mexico
3902.10.00	Mexico	8501.40.60	Mexico		
3917.33.00	Mexico	8504.40.00	Mexico		

(ii) by deleting "Mexico" from the enumeration of beneficiary countries set forth opposite each of the following HTS provisions in such enumeration:

2603.00.00	2918.90.30	3402.20.10	8409.91.91
2905.31.00	2933.90.87	3402.90.10	8419.19.00
2915.24.00	2937.92.10	6910.10.00	8527.21.10
2915.39.50	3203.00.50	7402.00.00	9018.90.80
2917.35.00	3207.40.10		

Annex I (con.)
-3-

4 (a). Subdivision (c)(iii) of general note 3 is redesignated as general note 5, and its existing provisions are redesignated as subdivisions (a), (a)(i), (a)(ii), (a)(iii), (a)(iv), (b), (b)(i), and (b)(ii), respectively, of such note 5.

(b) Subdivisions (a)(i) and (a)(ii) of note 5, as redesignated in the preceding paragraph, are each modified by striking "subdivision (c)(vii) of this note" and by inserting in lieu thereof "general note 12" at each occurrence.

5. Subdivision (c)(iv) of general note 3 is redesignated as general note 6, the word "Authority" is deleted from such note, and the word "Administration" is inserted in lieu thereof.

6 (a). Subdivision (c)(v) of general note 3 is redesignated as general note 7, and its existing provisions are redesignated as subdivisions (a), (b)(i), (b)(i)(A), (b)(i)(B), (b)(ii), (b)(ii)(A), (b)(ii)(B), (b)(iii), (b)(iii)(A), (b)(iii)(B), (b)(iv), (b)(v), (b)(v)(A), (b)(v)(B), (b)(v)(C), (c), (d), (d)(i), (d)(ii), (d)(iii), (d)(iii)(A), (d)(iii)(B), (d)(iii)(C), (d)(iii)(D), (e), and (f), respectively, of such note 7.

(b) Subdivision (b)(i) of such note 7, as redesignated in the preceding paragraph, is modified by striking "subdivisions (c)(v)(D) or (c)(v)(E)" and by inserting in lieu thereof "subdivisions (d) or (e)".

(c) Subdivision (b)(i)(B) of such note 7, as redesignated, is modified by redesignating clauses "(A)" and "(B)" in the first two lines as "(I)" and "(II)", respectively; by striking "(II)(B)" at each occurrence and by inserting in lieu thereof "(II)"; and by striking "subdivision (c)(v) of".

(d) Subdivision (b)(ii) of such note 7, as redesignated, is modified by striking "subdivision (c)(v) of"; and subdivision (b)(iii) of such note 7, as redesignated, is modified by striking "subdivision (c)(v)(B)" and by inserting in lieu thereof "subdivision (b)".

(e) Subdivision (b)(iv) of such note 7, as redesignated, is modified by striking "subdivision (c)(v)(B)(1)(II)" and by inserting in lieu thereof "subdivision (b)(i)(B)".

(f) Subdivision (c) of such note 7, as redesignated, is modified by striking "(c)(v)(E)", "(c)(v)(D)", "(c)(v)(B)", "(c)(v)(A)", "(c)(v)(D)", (c)(v)(E)", "(c)(v)(B)", and "(c)(v)(A)" and by inserting in lieu thereof "(e)", "(d)", "(b)", "(a)", "(d)", "(e)", "(b)", and "(a)", respectively.

(g) Subdivision (d) of such note 7, as redesignated, is modified by striking "subdivision (c)(v) of"; and subdivision (d)(iii) of such note 7, as redesignated, is modified by striking "subdivision (c)(v)(F)" and by inserting in lieu thereof "subdivision (f)", and by striking out "subdivision (c)(v) of".

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7 (a). Subdivision (c)(vi) of general note 3 is redesignated as general note 8, and its existing provisions are redesignated as subdivisions (a), (b), (b)(i), (b)(ii), (b)(iii), (b)(iii)(A), (b)(iii)(B), (c), (c)(i), (c)(ii), (d), (d)(i), (d)(ii), and (e), respectively, of such note 8.

(b) Subdivision (a) of such note 8, as redesignated in the preceding paragraph, is modified by striking "subdivision (c)(vi)B)" and by inserting in lieu thereof "subdivision (b)".

(c) Subdivisions (b), (d), and (e) of such note 8, as redesignated, are modified by striking at each occurrence "subdivision (c)(vi) of"; subdivision (b) is further modified by striking "subdivision (c)(vi)(B)(3)" and by inserting in lieu thereof "subdivision (b)(iii)"; and subdivision (d) is further modified by redesignating clauses "(I)" and "(II)" as "(A)" and "(B)", respectively.

(d) Subdivision (c) of such note 8, as redesignated, is modified by striking "subdivision (c)(vi)(B)(1)" and by inserting in lieu thereof "subdivision (b)(i)".

8 (a). Subdivision (c)(vii) of general note 3 is redesignated as general note 9, and its existing provisions are redesignated as (a), (b), (b)(i), (b)(ii), (b)(ii)(A), (b)(ii)(B), (c), (c)(i), (c)(ii), (c)(iii), (d), (e), (f), (g), (g)(i), (g)(ii), (h), (h)(i), (h)(ii), (i), (j), (k), (l), (l)(i), (l)(ii), (l)(iii), (l)(iv), (l)(v), (l)(vi), (l)(vii), (l)(viii), (l)(ix), (m), (m)(i), (m)(ii), (m)(ii)(A), (m)(ii)(B), (m)(ii)(C), (m)(ii)(D), (n), (n)(i), (n)(i)(A), (n)(i)(B), (n)(i)(C), (n)(i)(D), (n)(ii), (o), (o)(i), (o)(ii), (o)(iii), (o)(iv), (o)(v), (o)(vi), (o)(vi)(A), (o)(vi)(B), (o)(vi)(C), (o)(vi)(D), (o)(vi)(E), (o)(vi)(F), (o)(vi)(G), (p), (q), (q)(i), (q)(ii), (q)(ii)(A), (q)(ii)(B), (q)(ii)(C), and (r). Such subdivision (r), as redesignated, is modified by striking out all designations in parentheses preceding underscored references to sections and chapters, and by replacing all subordinate alphabetical designations in parentheses with sequential Arabic numerals without parentheses, numbered separately for the rules of each section of the HTS.

(b) Subdivision (a) of such note 9, as redesignated in the preceding paragraph, is modified by striking "(c)(vii)(B)" and by inserting in lieu thereof "(b)".

(c) Subdivisions (b), (c)(iii), (k), (p), and (q) of such note 9, as redesignated, are modified by striking at each occurrence "subdivision (c)(vii) of".

(d) Subdivisions (b)(ii)(A) and (b)(ii)(B) of such note 9, as redesignated, are each modified by striking "subdivision (c)(vii)(R)" and by inserting in lieu thereof "subdivision (r)"; and subdivision (b)(ii)(B) is further modified by striking "subdivisions (c)(vii)(F), (G), (H), (I), (J) and (R)" and by inserting in lieu thereof "subdivisions (f), (g), (h), (i), (j) and (r)".

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(e) Subdivision (c) of such note 9, as redesignated, is modified by striking "(c)(vii)(B)(2)" and by inserting in lieu thereof "(b)(ii)"; and subdivision (c)(i) of such note 9, as redesignated, is modified by striking "(c)(vii)(R)" and by inserting in lieu thereof "(r)".

(f) Subdivision (e) of such note 9, as redesignated, is modified by striking "(c)(vii)(B), (C) and (D)" and by inserting in lieu thereof "(b), (c) and (d)".

(g) Subdivisions (f) and (j) of such note 9, as redesignated, are each modified by striking "(c)(vii)(R)" and by inserting in lieu thereof "(r)".

(h) Subdivision (h) of such note 9, as redesignated, is modified by striking "(c)(vii)(G)" and by inserting in lieu thereof "(g)"; and subdivision (h)(ii) of such note 9, as redesignated, is modified by striking "(c)(vii)(E)" and by inserting in lieu thereof "(e)".

(i) Subdivision (i) of such note 9, as redesignated, is modified by striking "(c)(vii)(H)" and by inserting in lieu thereof "(h)".

(j) Subdivision (j) of such note 9, as redesignated, is modified by striking "(c)(vii)(H)(1)" and by inserting in lieu thereof "(h)(i)".

(k) Subdivision (l) of such note 9, as redesignated, is modified by striking "(c)(vii)(B)" and by inserting in lieu thereof "(b)"; subdivision (l)(v) of such note 9, as redesignated, is modified by striking "subparagraph (4)" and by inserting in lieu thereof "subdivision (l)(iv) of this note"; and subdivision (l)(ix) of such note 9, as redesignated, is modified by striking "subparagraphs (1) to (8)" and by inserting in lieu thereof "subdivisions (l)(i) to (viii)".

(l) Subdivisions (m) and (n) of such note 9, as redesignated, are each modified by striking "(c)(vii)(H) and (R)" and by inserting in lieu thereof "(h) and (r)"; and subdivision (m)(ii)(A), as redesignated, is modified by striking "subparagraph (1)" and by inserting in lieu thereof "subdivision (m)(i) of this note".

(m) Subdivision (o) of such note 9, as redesignated, is modified by striking "(c)(vii)(H), (N) and (R)" and by inserting in lieu thereof "(h), (n) and (r)".

(n) Rule 1 to section IV in subdivision (r), as redesignated, is modified by striking "(ee)" and by inserting in lieu thereof "5"; rule 17 to section XI in subdivision (r) is modified by striking "(nn) and (oo)" and by inserting in lieu thereof "14 and 15", and by striking "subdivision (c)(vii) of"; rule 18 to section XI in subdivision (r) is modified by striking "(dd), (ee), (ff), (hh), (kk), (mm) and (pp)" and by inserting in lieu thereof "4, 5, 6, 8, 11, 13 and 16", and by striking "subdivision (c)(vii) of"; rule 1 to section XV in subdivision (r), as redesignated, is modified by striking "(ii) or (vv)" and by inserting in lieu thereof "10 or 23"; and rules 3 and 4 to

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section XVIII in subdivision (r) are each modified by striking "(bb)" and by inserting in lieu thereof "2"; and

(o) General note 9, as redesignated, is suspended as of the close of December 31, 1993, unless the date of entry into force of the NAFTA under this proclamation with respect to Canada is after January 1, 1994, under the terms of recitals (8)(b) and (c) of this proclamation; such suspension shall continue in effect unless otherwise proclaimed by the President for the period of suspension of the United States-Canada Free-Trade Agreement; and for the period of such suspension, only the following provision shall appear in the HTS "9. United States-Canada Free-Trade Agreement. (Suspended; see general note 12.)", and the subdivisions and text of such note shall not be included in the HTS.

9 (a). Subdivision (c)(viii) of general note 3 is redesignated as general note 10, and its existing provisions are redesignated as subdivisions (a), (b), (b)(i), (b)(ii), (c), (d), (d)(i), (d)(ii), (d)(iii), (d)(iv), (d)(v), (e)(i), (e)(i)(A), (e)(i)(B), (e)(ii), (f), (f)(i), (f)(ii), and (g), respectively, of such note 10.

(b) Subdivision (b) of such note 10, as redesignated in the preceding paragraph, is modified by striking "subparagraphs (D) and (E) of this paragraph" and by inserting in lieu thereof "subdivisions (d) and (e) of this note", by striking out "subparagraph (D) of this paragraph" and by inserting in lieu thereof "subdivision (d) of this note", and by striking "subparagraph (B)(2)(II) above" and by inserting in lieu thereof "subdivision (b)(ii)(B) of this note"; and subdivision (b)(ii) of such note 10, as redesignated, is modified by redesignating clauses "(I)" and "(II)" as "(A)" and "(B)", respectively.

(c) Subdivision (d) of such note 10, as redesignated, is modified by striking "subparagraph (B) of this paragraph" and by inserting in lieu thereof "subdivision (b) of this note"; and subdivision (d)(i), as redesignated, is modified by striking "(C)" and by inserting in lieu thereof "(c)".

(d) Subdivision (e)(i) and (ii) of such note 10, as redesignated, are each modified by striking "subparagraph (B) of this paragraph" and by inserting in lieu thereof "subdivision (b) of this note".

(e) Subdivision (f) of such note 10, as redesignated, is modified by striking "subparagraph (E) of this paragraph" and by inserting in lieu thereof "subdivision (e) of this note"; and subdivision (f)(ii), as redesignated, is modified by striking "subparagraph (D) of this paragraph" and by inserting in lieu thereof "subdivision (d) of this note".

(f) Subdivision (g) of such note 10, as redesignated, is modified by striking "subparagraphs (D) or (E) of this paragraph" and by inserting in lieu thereof "subdivisions (d) or (e) of this note".

10 (a). Subdivision (c)(ix) of general note 3 is redesignated as general note 11, and its existing provisions are redesignated as subdivisions (a), (b)(i),

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(b)(i)(A), (b)(i)(B), (b)(ii), (b)(ii)(A), (b)(ii)(B), (b)(iii), (b)(iii)(A), (b)(iii)(B), (c), (d), (d)(i), (d)(ii), (d)(iii), (d)(iv), (d)(v), (d)(vi), (d)(vii), (d)(viii), and (e), respectively, of such note 11.

(b) Subdivision (b)(i) of such note 11, as redesignated in the preceding paragraph, is modified by striking "(c)(ix)(D) or (c)(ix)(E)" and by inserting in lieu thereof "(d) or (e)".

(c) Subdivision (b)(i)(B) of such note 11, as redesignated, is modified by redesignating clauses "(A)" and "(B)" as "(1)" and "(2)", respectively; by striking at each occurrence "(II)(B)" and by inserting in lieu thereof "(B)(2)"; and by striking "subdivision (c)(ix)" and by inserting in lieu thereof "this note".

(d) Subdivision (b)(ii) of such note 11, as redesignated, is modified by striking "subdivision (c)(ix) of".

(e) Subdivision (b)(iii) of such note 11, as redesignated, is modified by striking "(c)(ix)(B)" and by inserting in lieu thereof "(b)"; and by redesignating the clauses in the final sentence as "(1)" and "(2)", respectively.

(f) Subdivision (c) of such note 11, as redesignated, is modified by striking "(c)(ix)(B)", "(c)(ix)(A)", "(c)(ix)(D)", "(c)(ix)(B)" and "(c)(ix)(A)" and by inserting in lieu thereof "(b)", "(a)", "(d)", "(b)", and "(a)", respectively.

(g) Subdivision (d) of such note 11, as redesignated, is modified by striking "subdivision (c)(ix) of"; and subdivision (d)(vi), as redesignated, is modified by striking "(c)(ix)(E)" and by inserting in lieu thereof "(e)".

11. The following new general note 12 is inserted in appropriate sequence:

"12. <u>North American Free Trade Agreement</u>.

(a) Goods originating in the territory of a party to the North American Free Trade Agreement (NAFTA) are subject to duty as provided herein. For the purposes of this note--

(i) Goods that originate in the territory of a NAFTA party under the terms of subdivision (b) of this note, that qualify to be marked as goods of Canada under the terms of the marking rules set forth in regulations issued by the Secretary of the Treasury (without regard to whether the goods are marked), and that are provided for in a subheading for which a rate of duty appears in the "Special" subcolumn of column 1 followed by the symbol "CA" in parentheses, are eligible for such duty rate, in accordance with section 201 of the North American Free Trade Agreement Implementation Act.

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(ii) Goods that originate in the territory of a NAFTA party under the terms of subdivision (b) of this note, that qualify to be marked as goods of Mexico under the terms of the marking rules set forth in regulations issued by the Secretary of the Treasury (without regard to whether the goods are marked), and that are provided for in a subheading for which a rate of duty appears in the "Special" subcolumn of column 1 followed by the symbol "MX" in parentheses, are eligible for such duty rate, in accordance with section 201 of the North American Free Trade Agreement Implementation Act.

(b) For the purposes of this note, goods imported into the customs territory of the United States are eligible for the tariff and customs treatment set forth in the tariff schedule as "goods originating in the territory of a NAFTA party" only if--

(i) they are goods wholly obtained or produced entirely in the territory of Canada, Mexico and/or the United States; or

(ii) they have been transformed in the territory of Canada, Mexico and/or the United States so that--

(A) except as provided in subdivision (f) of this note, each of the non-originating materials used in the production of such goods undergoes a change in tariff classification provided in subdivisions (r), (s) and (t) of this note or the rules set forth therein, or

(B) the goods otherwise satisfy the applicable requirements of subdivisions (r), (s) and (t) where no change in tariff classification is required, and the goods satisfy all other applicable requirements of this note; or

(iii) they are goods produced entirely in the territory of Canada, Mexico and/or the United States exclusively from originating materials; or

(iv) they are produced entirely in the territory of Canada, Mexico and/or the United States but one or more of the non-originating materials provided for in the tariff schedule as "parts" and used in the production of such goods does not undergo a change in tariff classification because--

(A) the goods were imported into the territory of Canada, Mexico and/or the United States in unassembled or disassembled form but were classified as assembled goods pursuant to general rule of interpretation 2(a), or

(B) the tariff heading for such goods provides for and specifically describes both the goods and their parts and is not further divided into subheadings, or the

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subheading for such goods provides for and specifically describes both the goods and their parts,

provided that such goods are not provided for in chapters 61 through 63, inclusive, of the tariff schedule, and provided further that the regional value content of such goods, determined in accordance with subdivision (c) of this note, is not less than 60 percent where the transaction value method is used, or is not less than 50 percent where the net cost method is used, and such goods satisfy all other applicable requirements of this note. For purposes of this note, the term "<u>material</u>" means a good that is used in the production of another good and includes a part or an ingredient.

(c) <u>Regional value content</u>. Except as provided in subdivision (c)(iv) of this note, the regional value content of a good shall be calculated, at the choice of the exporter or producer of such good, on the basis of either the transaction value method set out in subdivision (c)(i) or the net cost method set out in subdivision (c)(ii).

(i) <u>Transaction value method</u>. The regional value content of a good may be calculated on the basis of the following transaction value method:

$$RVC = \frac{TV - VNM}{TV} \times 100$$

where RVC is the regional value content, expressed as a percentage; TV is the transaction value of the good adjusted to a F.O.B. basis; and VNM is the value of non-originating materials used by the producer in the production of the good.

(ii) <u>Net cost method</u>. The regional value content of a good may be calculated on the basis of the following net cost method:

$$RVC = \frac{NC - VNM}{NC} \times 100$$

where RVC is the regional value content, expressed as a percentage; NC is the net cost of the good; and VNM is the value of non-originating materials used by the producer in the production of the good.

(iii) Except as provided in subdivisions (d)(i) and (d)(ii)(A)(2) of this note, the value of non-originating materials used by the producer in the production of a good shall not, for

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purposes of calculating the regional value content of the good under subdivision (c)(i) or (c)(ii) of this note, include the value of non-originating materials used to produce originating materials that are subsequently used in the production of such good.

(iv) The regional value content of a good shall be calculated solely on the basis of the net cost method set out in subdivision (c)(ii) of this note where--

(A) there is no transaction value for the good;

(B) the transaction value of the good is unacceptable under section 402(b) of the Tariff Act of 1930, as amended (19 U.S.C. 1401a(b));

(C) the good is sold by the producer to a related person and the volume, by units of quantity, of sales of identical or similar goods to related persons (as defined in article 415 of the NAFTA) during the six-month period immediately preceding the month in which the good is sold exceeds 85 percent of the producer's total sales of such goods during that period;

(D) the good is--

(1) a motor vehicle provided for in headings 8701 or 8702, subheadings 8703.21 through 8703.90, inclusive, or headings 8704, 8705 or 8706;

(2) identified in Annex 403.1 or 403.2 to the NAFTA and is for use in a motor vehicle provided for in headings 8701 or 8702, subheadings 8703.21 through 8703.90, inclusive, or headings 8704, 8705 or 8706;

(3) provided for in subheadings 6401.10 through 6406.10, inclusive; or

(4) provided for in tariff item 8469.10.40;

(E) the exporter or producer chooses to accumulate the regional value content of the good in accordance with subdivision (e) of this note; or

(F) the good is designated as an intermediate material under subdivision (c)(viii) of this note and is subject to a regional value-content requirement.

(v) If the regional value content of a good is calculated on the basis of the transaction value method set out in subdivision (c)(i) of this note and a NAFTA party subsequently notifies

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the exporter or producer, during the course of a verification of the origin of the good, that the transaction value of the good or the value of any material used in the production of the good must be adjusted or is unacceptable under section 402 of the Tariff Act of 1930, as amended (19 U.S.C. 1401a), the exporter or producer may calculate the regional value content of the good on the basis of the net cost method set out in subdivision (c)(ii) of this note.

(vi) For purposes of calculating the net cost of a good under subdivision (c)(ii) of this note, the producer of the good may--

(A) calculate the total cost incurred with respect to all goods produced by that producer; subtract any sales promotion, marketing and after-sales service costs, royalties, shipping and packing costs and non-allowable interest costs that are included in the total cost of all such goods; and then reasonably allocate the resulting net cost of those goods to the good;

(B) calculate the total cost incurred with respect to all goods produced by that producer; reasonably allocate the total cost to the good; and then subtract any sales promotion, marketing and after-sales service costs, royalties, shipping and packing costs, and non-allowable interest costs that are included in the portion of the total cost allocated to the good; or

(C) reasonably allocate each cost that forms part of the total cost incurred with respect to the good so that the aggregate of these costs does not include any sales promotion, marketing and after-sales service costs, royalties, shipping and packing costs or non-allowable interest costs;

provided that the allocation of all such costs is consistent with the provisions regarding the reasonable allocation of costs set out in regulations issued by the Secretary of the Treasury. The term "total cost" means all product costs, period costs and other costs incurred in the territory of Canada, Mexico and/or the United States.

(vii) Except as provided in subdivision (c)(ix) of this note, the value of a material used in the production of a good shall--

(A) be the transaction value of the material determined in accordance with section 402(b) of the Tariff Act of 1930, as amended; or

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(B) in the event that there is no transaction value or the transaction value of the material is unacceptable under section 402(b) of the Tariff Act of 1930, as amended, be determined in accordance with subsections (c) through (h), inclusive, of such section; and

(C) where not included under subdivision (A) or (B), include--

(1) freight, insurance, packing and all other costs incurred in transporting the material to the location of the producer;

(2) duties, taxes and customs brokerage fees on the material that were paid in the territory of Canada, Mexico, and/or the United States; and

(3) the cost of waste and spoilage resulting from the use of the material in the production of the good, less the value of renewable scrap or by-product.

(viii) Except for goods described in subdivision (d)(i) of this note, the producer of a good may, for purposes of calculating the regional value content of the good, designate any self-produced material (other than a component, or material thereof, identified in Annex 403.2 to the NAFTA) used in the production of the good as an intermediate material; provided that if the intermediate material is subject to a regional value-content requirement, no other self-produced material that is subject to a regional value-content requirement and is used in the production of that intermediate material may be designated by the producer as an intermediate material.

(ix) The value of an intermediate material shall be--

(A) the total cost incurred with respect to all goods produced by the producer of the good that can be reasonably allocated to that intermediate material; or

(B) the aggregate of each cost that is part of the total cost incurred with respect to the intermediate material that can be reasonably allocated to that intermediate material.

(x) The value of an indirect material shall be based on the Generally Accepted Accounting Principles applicable in the territory of Canada, Mexico, and/or the United States in which the good is produced.

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(xi) For purposes of this note, the term "reasonably allocate" means to apportion in a manner appropriate to the circumstances.

(d) Automotive Goods.

(i) For purposes of calculating the regional value content under the net cost method set out in subdivision (c)(ii) of this note for--

(A) a good that is a motor vehicle provided for in tariff items 8702.10.60 or 8702.90.60, or subheadings 8703.21 through 8703.90, inclusive, 8704.21 or 8704.31; or

(B) a good, provided for in the tariff items listed in Annex 403.1, that is subject to a regional value-content requirement and is for use as original equipment in the production of a good provided for in tariff items 8702.10.60 or 8702.90.60, or subheadings 8703.21 through 8703.90, inclusive, 8704.21 or 8704.31,

the value of non-originating materials used by the producer in the production of the good shall be the sum of the values of non-originating materials, determined in accordance with subdivision (c)(vii) of this note at the time the non-originating materials are received by the first person in the territory of Canada, Mexico or the United States who takes title to them, that are imported from outside the territories of Canada, Mexico and the United States under the tariff items listed in Annex 403.1 to the NAFTA, and that are used in the production of the good or that are used in the production of any material used in the production of the good.

(ii) For purposes of calculating the regional value content under the net cost method for a good that is a motor vehicle provided for in heading 8701, tariff items 8702.10.30 or 8702.90.30, subheadings 8704.10, 8704.22, 8704.23, 8704.32 or 8704.90, or headings 8705 or 8706, or for a component identified in Annex 403.2 to the NAFTA for use as original equipment in the production of the motor vehicle, the value of non-originating materials used by the producer in the production of the good shall be the sum of--

(A) for each material used by the producer listed in Annex 403.2 to the NAFTA, whether or not produced by the producer, at the choice of the producer and determined in accordance with subdivision (c) of this note, either--

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(1) the value of such material that is non-originating, or

(2) the value of non-originating materials used in the production of such material; and

(B) the value of any other non-originating material used by the producer that is not listed in Annex 403.2 to the NAFTA, determined in accordance with subdivision (c) of this note.

(iii) For purposes of calculating the regional value content of a motor vehicle identified in subdivision (d)(i) or (ii) of this note, or for any or all goods provided for in a tariff item listed in Annex 403.1 to the NAFTA, or a component or material identified in Annex 403.2 to the NAFTA, the producer may average its calculation over its fiscal year in accordance with section 202(c)(3) and (4) of the North American Free Trade Agreement Implementation Act of 1993.

(iv) Notwithstanding subdivisions (r), (s) and (t) of this note, and except as provided in subdivision (d)(v) of this note, the regional value-content requirement shall be--

(A) for a producer's fiscal year beginning on the day closest to January 1, 1998 and thereafter, 56 percent under the net cost method, and for a producer's fiscal year beginning on the day closest to January 1, 2002 and thereafter, 62.5 percent under the net cost method, for--

(1) a good that is a motor vehicle provided for in tariff items 8702.10.60 or 8702.90.60; subheadings 8703.21 through 8703.90, inclusive; or subheadings 8704.21 or 8704.31, and

(2) a good provided for in headings 8407 or 8408 or subheading 8708.40, that is for use in a motor vehicle identified in subdivision (d)(iv)(A)(1); and

(B) for a producer's fiscal year beginning on the day closest to January 1, 1998 and thereafter, 55 percent under the net cost method, and for a producer's fiscal year beginning on the day closest to January 1, 2002 and thereafter, 60 percent under the net cost method, for--

(1) a good that is a motor vehicle provided for in heading 8701, tariff items 8702.10.30 or 8702.90.30, subheadings 8704.10, 8704.22, 8704.23, 8704.32 or 8704.90, or headings 8705 or 8706;

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(2) a good provided for in headings 8407 or 8408 or subheading 8708.40 that is for use in a motor vehicle identified in subdivision (d)(iv)(B)(1); and

(3) except for a good identified in subdivision (d)(iv)(A)(2) or provided for in subheadings 8482.10 through 8482.80, inclusive, 8483.20 or 8483.30, a good identified in Annex 403.1 to the NAFTA that is subject to a regional value-content requirement and that is for use in a motor vehicle identified in subdivision (d)(iv)(A)(1) or (d)(iv)(B)(1).

(v) The regional value-content requirement for a motor vehicle identified in subdivision (d)(i) or (ii) shall be--

(A) 50 percent for five years after the date on which the first motor vehicle prototype is produced in a plant by a motor vehicle assembler, if--

(1) it is a motor vehicle of a class, or marque, or, except for a motor vehicle identified in subdivision (d)(ii), size category and underbody, not previously produced by the motor vehicle assembler in the territory of Canada, Mexico and/or the United States;

(2) the plant consists of a new building in which the motor vehicle is assembled; and

(3) the plant contains substantially all new machinery that is used in the assembly of the motor vehicle; or

(B) 50 percent for two years after the date on which the first motor vehicle prototype is produced at a plant following a refit, if it is a different motor vehicle of a class, or marque, or, except for a motor vehicle identified in subdivision (d)(ii), size category and underbody, than was assembled by the motor vehicle assembler in the plant before the refit.

(e) Accumulation.

(i) For purposes of determining whether a good is an originating good, the production of the good in the territory of Canada, Mexico and/or the United States by one or more producers shall, at the choice of the exporter or producer of the good for which preferential tariff treatment is claimed, be considered to have been performed in the territory of a NAFTA party by that exporter or producer, provided that--

(A) all non-originating materials used in the production of the good undergo an applicable tariff classification set out in subdivision (t) of this note,

(B) the good satisfies any applicable regional value-content requirement, entirely in the territory of one or more of the NAFTA parties; and

(C) the good satisfies all other applicable requirements of this note.

(ii) For purposes of subdivision (c)(viii) of this note, the production of a producer that chooses to accumulate its production with that of other producers under subdivision (e)(i) shall be considered to be the production of a single producer.

(f) De minimis.

(i) Except as provided in subdivisions (f)(iii) through (vi), inclusive, a good shall be considered to be an originating good if the value of all non-originating materials used in the production of the good that do not undergo an applicable change in tariff classification set out in subdivision (t) of this note is not more than 7 percent of the transaction value of the good, adjusted to a F.O.B. basis, or, if the transaction value is unacceptable under section 402(b) of the Tariff Act of 1930, as amended, the value of all such non-originating materials is not more than 7 percent of the total cost of the good, provided that--

(A) if the good is subject to a regional value-content requirement, the value of such non-originating materials shall be taken into account in calculating the regional value content of the good; and

(B) the good satisfies all other applicable requirements of this note.

(ii) A good that is otherwise subject to a regional value-content requirement shall not be required to satisfy such requirement if the value of all non-originating materials used in the production of the good is not more than 7 percent of the transaction value of the good, adjusted to a F.O.B. basis, or, if the transaction value of the good is unacceptable under section 402(b) of the Tariff Act of 1930, the value of all non-originating materials is not more than 7 percent of the total cost of the good, provided that the good satisfies all other applicable requirements of this note.

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(iii) Subdivision (f)(i) of this note does not apply to--

(A) a non-originating material provided for in chapter 4 of this schedule or in tariff items 1901.90.31, 1901.90.41 or 1901.90.81 that is used in the production of a good provided for in chapter 4;

(B) a non-originating material provided for in chapter 4 of this schedule or in tariff items 1901.90.31, 1901.90.41 or 1901.90.81 that is used in the production of a good provided for in the following provisions: tariff items 1901.10.10, 1901.20.10, 1901.90.31, 1901.90.41 or 1901.90.81; heading 2105; or tariff items 2106.90.05, 2106.90.13, 2106.90.41, 2106.90.51, 2106.90.61, 2202.90.10, 2202.90.20 or 2309.90.31;

(C) a non-originating material provided for in heading 0805 or subheadings 2009.11 through 2009.30, inclusive, that is used in the production of a good provided for in subheadings 2009.11 through 2009.30, inclusive, or tariff items 2106.90.16, 2106.90.17, 2202.90.30, 2202.90.35 or 2202.90.36;

(D) a non-originating material provided for in chapter 9 of this schedule that is used in the production of a good provided for in tariff item 2101.10.21;

(E) a non-originating material provided for in chapter 15 of this schedule that is used in the production of a good provided for in headings 1501 through 1508, inclusive, 1512, 1514 or 1515;

(F) a non-originating material provided for in heading 1701 that is used in the production of a good provided for in headings 1701 through 1703, inclusive;

(G) a non-originating material provided for in chapter 17 or heading 1805 of this schedule that is used in the production of a good provided for in subheading 1806.10;

(H) a non-originating material provided for in headings 2203 through 2208, inclusive, that is used in the production of a good provided for in headings 2207 or 2208;

(I) a non-originating material used in the production of a good provided for in tariff item 7321.11.30, subheadings 8415.10, 8415.81 through 8415.83, inclusive, 8418.10 through 8418.21, inclusive, 8418.29 through 8418.40, inclusive, 8421.12, 8422.11, 8450.11 through 8450.20, inclusive, 8451.21 through 8451.29, inclusive, or tariff items 8479.89.55 or 8516.60.40; and

(J) a printed circuit assembly that is a non-originating material used in the production of a good where the applicable change in tariff classification for the good, provided for in subdivisions (r), (s) and (t) of this note, places restrictions on the use of such non-originating material.

(iv) Subdivision (f)(i) of this note does not apply to a non-originating single juice ingredient provided for in heading 2009 that is used in the production of a good provided for in subheading 2009.90 or tariff items 2106.90.18 or 2202.90.37.

(v) Subdivision (f)(i) of this note does not apply to a non-originating material used in the production of a good provided for in chapters 1 through 27, inclusive, of this schedule unless the non-originating material is provided for in a different subheading than the good for which origin is being determined under this note.

(vi) A good provided for in chapters 50 through 63, inclusive, of this schedule that does not originate because certain fibers or yarns used in the production of the component of the good that determines the tariff classification of the good do not undergo an applicable change in tariff classification, provided for in subdivisions (r), (s) and (t) of this note, shall nonetheless be considered to originate if the total weight of all such fibers or yarns in that component is not more than 7 percent of the total weight of that component.

(g) Fungible goods and materials. For purposes of determining whether a good is an originating good--

(i) where originating and non-originating fungible materials are used in the production of a good, the determination of whether the materials are originating need not be made through the identification of any specific fungible material, but may be determined on the basis of any of the inventory management methods set out in regulations promulgated by the Secretary of the Treasury; and

(ii) where originating and non-originating fungible goods are commingled and exported in the same form, the determination may be made on the basis of any of the inventory management methods set out in regulations promulgated by the Secretary of the Treasury.

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The term "fungible" means that the particular materials or goods are interchangeable for commercial purposes and have essentially identical properties.

(h) Accessories, spare parts and tools. Accessories, spare parts or tools delivered with the good that form part of the good's standard accessories, spare parts or tools, shall be considered as originating if the good originates and shall be disregarded in determining whether all the non-originating materials used in the production of the good undergo the applicable change in tariff classification set out in subdivision (t) of this note, provided that--

(i) the accessories, spare parts or tools are not invoiced separately from the good;

(ii) the quantities and value of the accessories, spare parts or tools are customary for the good; and

(iii) if the good is subject to a regional value-content requirement, the value of the accessories, spare parts or tools shall be taken into account as originating or non-originating materials, as the case may be, in calculating the regional value content of the good.

(i) Indirect materials. An indirect material shall be considered to be an originating material without regard to where it is produced. The term "indirect material" means a good used in the production, testing or inspection of a good but not physically incorporated into the good, or a good used in the maintenance of buildings or the operation of equipment associated with the production of a good, including the following: fuel and energy; tools, dies and molds; spare parts and materials used in the maintenance of equipment and buildings; lubricants, greases, compounding materials and other materials used in production or used to operate other equipment and buildings; gloves, glasses, footwear, clothing, safety equipment and supplies; equipment, devices and supplies used for testing or inspecting the goods; catalysts and solvents; and any other goods that are not incorporated into the good but whose use in the production of the good can reasonably be demonstrated to be a part of that production.

(j) Packaging materials and containers for retail sale. Packaging materials and containers in which a good is packaged for retail sale shall, if classified with the good, be disregarded in determining whether all the non-originating materials used in the production of the good undergo the applicable change in tariff classification set out in subdivision (t) of this note, and, if the good is subject to a regional value-content requirement, the value of such packaging materials and

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containers shall be taken into account as originating or non-originating materials, as the case may be, in calculating the regional value content of the good.

(k) Packing materials and containers for shipment. Packing materials and containers in which the good is packed for shipment shall be disregarded in determining whether--

(i) the non-originating materials used in the production of the good undergo an applicable change in tariff classification set out in subdivision (t) of this note; and

(ii) the good satisfies a regional value-content requirement.

(l) Transshipment. A good shall not be considered to be an originating good by reason of having undergone production that satisfies the requirements of this note if, subsequent to that production, the good undergoes further production or any other operation outside the territories of the NAFTA parties, other than unloading, reloading or any other operation necessary to preserve it in good condition or to transport the good to the territory of Canada, Mexico and/or the United States.

(m) Non-qualifying operations. A good shall not be considered to be an originating good merely by reason of--

(i) mere dilution with water or another substance that does not materially alter the characteristics of the good; or

(ii) any production or pricing practice with respect to which it may be demonstrated, on the basis of a preponderance of evidence, that the object was to circumvent this note.

(n) As used in subdivision (b)(i) of this note, the phrase "goods wholly obtained or produced entirely in the territory of Canada, Mexico and/or the United States" means--

(i) mineral goods extracted in the territory of one or more of the NAFTA parties;

(ii) vegetable goods, as such goods are defined in this schedule, harvested in the territory of one or more of the NAFTA parties;

(iii) live animals born and raised in the territory of one or more of the NAFTA parties;

(iv) goods obtained from hunting, trapping or fishing in the territory of one or more of the NAFTA parties;

(v) goods (fish, shellfish and other marine life) taken from the sea by vessels registered or recorded with a NAFTA party and flying its flag;

(vi) goods produced on board factory ships from the goods referred to in subdivision (n)(v) provided such factory ships are registered or recorded with that NAFTA party and fly its flag;

(vii) goods taken by a NAFTA party or a person of a NAFTA party from the seabed or beneath the seabed outside territorial waters, provided that a NAFTA party has rights to exploit such seabed;

(viii) goods taken from outer space, provided such goods are obtained by a NAFTA party or a person of a NAFTA party and not processed outside the NAFTA parties;

(ix) waste and scrap derived from--

(A) production in the territory of one or more of the NAFTA parties, or

(B) used goods collected in the territory of one or more of the NAFTA parties, provided such goods are fit only for the recovery of raw materials; and

(x) goods produced in the territory of one or more of the NAFTA parties exclusively from goods referred to in subdivisions (n)(i) through (ix), inclusive, or from their derivatives, at any stage of production.

(o) As used in this note, the term "non-originating good" or "non-originating material" means a good or material that does not qualify as originating under this note.

(p) As used in this note, the term "producer" means a person who grows, mines, harvests, fishes, traps, hunts, manufactures, processes or assembles a good; and the term "production" means growing, mining, harvesting, fishing, trapping, hunting, manufacturing, processing or assembling a good.

(q) For purposes of this note, the term "territory" means--

(i) with respect to Canada, the territory to which its customs laws apply, including any areas beyond the territorial seas of Canada within which, in accordance with international law and its domestic law, Canada may exercise rights with respect to the seabed and subsoil and their natural resources;

(ii) with respect to Mexico,

(A) the states of the Federation and the Federal District,

(B) the islands, including the reefs and keys, in adjacent seas,

(C) the islands of Guadalupe and Revillagigedo situated in the Pacific Ocean,

(D) the continental shelf and the submarine shelf of such islands, keys and reefs,

(E) the waters of the territorial seas, in accordance with international law, and its interior maritime waters,

(F) the space located above the national territory, in accordance with international law, and

(G) any areas beyond the territorial seas of Mexico within which, in accordance with international law, including the United Nations Convention on the Law of the Sea, and its domestic law, Mexico may exercise rights with respect to the seabed and subsoil and their natural resources; and

(iii) with respect to the United States,

(A) the customs territory of the United States, as set forth in general note 2 to this schedule,

(B) the foreign trade zones located in the United States and Puerto Rico, and

(C) any areas beyond the territorial seas of the United States within which, in accordance with international law and its domestic law, the United States may exercise rights with respect to the seabed and subsoil and their natural resources.

(r) Interpretation of Rules of Origin. For purposes of interpreting the rules of origin set out in subdivisions (r), (s) and (t) of this note:

(i) the specific rule, or specific set of rules, that applies to a particular heading, subheading or tariff item is set out immediately adjacent to the heading, subheading or tariff item;

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(ii) a rule applicable to a tariff item shall take precedence over a rule applicable to the heading or subheading which is parent to that tariff item;

(iii) a requirement of a change in tariff classification applies only to non-originating materials;

(iv) a reference to weight in the rules for goods of chapters 1 through 24, inclusive, of the tariff schedule means dry weight unless otherwise specified in the tariff schedule;

(v) subdivision (f) (de minimis) does not apply to:

(A) certain non-originating materials used in the production of goods provided for in the following provisions of the tariff schedule, inclusive: chapter 4; headings 1501 through 1508, 1512, 1514, 1515, or 1701 through 1703; subheading 1806.10; tariff items 1901.10.10, 1901.20.10, 1901.90.31, 1901.90.41 or 1901.90.81; subheadings 2009.11 through 2009.30 or 2009.90; heading 2105; tariff items 2101.10.21, 2106.90.05, 2106.90.13, 2106.90.16, 2106.90.17, 2106.90.18, 2106.90.41, 2106.90.51, 2106.90.61, 2202. 90.10, 2202.90.20, 2202.90.30, 2202.90.35, 2202.90.36 or 2202.90.37; headings 2207 through 2208; tariff items 2309.90.31 or 7321.11.30; subheadings 8415.10, 8415.81 through 8415.83, 8418.10 through 8418.21, 8418.29 through 8418.40, 8421.12, 8422.11, 8450.11 through 8450.20, or 8451.21 through 8451.29; or tariff items 8479.89.55 or 8516.60.40;

(B) a printed circuit assembly that is a non-originating material used in the production of a good where the applicable change in tariff classification for the good places restrictions on the use of such non-originating material, and

(C) a non-originating material used in the production of a good provided for in chapters 1 through 27, inclusive, unless the non-originating material is provided for in a different subheading than the good for which origin is being determined;

(vi) subdivision (f)(vi) of this note applies to a good provided for in chapters 50 through 63, inclusive, of the tariff schedule;

(vii) for purposes of this note, the term subheading refers to tariff classifications designated by six digits or by six digits followed by two zeroes in this schedule; and the term tariff item refers to subordinate tariff classifications designated by eight digits in this schedule;

(viii) for purposes of applying the rules set forth in subdivision (t) to goods of section XI of the tariff schedule, the term "wholly" means that the good is made entirely or solely of the named material; and, for purposes of this note, the term "average yarn number" as applied to woven fabrics of cotton or man-made fibers shall have the meaning provided in section 10 of annex 300-B of the NAFTA; and

(ix) for purposes of determining the origin of goods for use in a motor vehicle of chapter 87, the provisions of subdivision (d) of this note may apply.

(s) Exceptions to Change in Tariff Classification Rules.

(i) Agricultural and horticultural goods grown in the territory of a NAFTA party shall be treated as originating in the territory of that party even if grown from seed, bulbs, rootstock, cuttings, slips or other live parts of plants imported from a non-party to the NAFTA, except that goods which are exported from the territory of Mexico and are provided for in--

(A) heading 1202, if the goods were not harvested in the territory of Mexico,

(B) subheading 2008.11, if any material provided for in heading 1202 used in the production of such goods was not harvested in the territory of Mexico, or

(C) tariff items 1806.10.42 or 2106.90.12, if any material provided for in subheading 1701.99 used in the production of such goods is not a qualifying good,

shall be treated as nonoriginating goods. The term "qualifying good" means an originating good that is an agricultural good, except that in determining whether such good is an originating good, operations performed in or materials obtained from Canada shall be considered as if they were performed in or obtained from a non-party to the NAFTA.

(ii) Fruit, nut and vegetable preparations of chapter 20 that have been prepared or preserved merely by freezing, by packing (including canning) in water, brine or natural juices, or by roasting, either dry or in oil (including processing incidental to freezing, packing, or roasting), shall be treated as an originating good only if the fresh good were wholly produced or obtained entirely in the territory of one or more of the NAFTA parties.

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(iii) A material, imported into the territory of a NAFTA party for use in the production of a good classified in heading 3808, shall be treated as a material originating in the territory of a NAFTA party if:

(A) such material is eligible, in the territories of both that party and the party to whose territory the good is exported, for duty-free entry at the most-favored-nation rate of duty; or

(B) the good is exported to the territory of the United States and such material would, if imported into the territory of the United States, be free of duty under a trade agreement that is not subject to a competitive-need limitation.

(t) Change in Tariff Classification Rules.

Chapter 1. A change to headings 0101 through 0106 from any other chapter.

Chapter 2. A change to headings 0201 through 0210 from any other chapter.

Chapter 3. A change to headings 0301 through 0307 from any other chapter.

Chapter 4. A change to headings 0401 through 0410 from any other chapter, except from tariff items 1901.90.31, 1901.90.41 or 1901.90.81.

Chapter 5. A change to headings 0501 through 0511 from any other chapter.

Chapter 6. A change to headings 0601 through 0604 from any other chapter.

Chapter 7. A change to headings 0701 through 0714 from any other chapter.

Chapter 8. A change to headings 0801 through 0814 from any other chapter.

Chapter 9. A change to headings 0901 through 0910 from any other chapter.

Chapter 10. A change to headings 1001 through 1008 from any other chapter.

Chapter 11. A change to headings 1101 through 1109 from any other chapter.

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Chapter 12. A change to headings 1201 through 1214 from any other chapter.

Chapter 13. A change to headings 1301 through 1302 from any other chapter.

Chapter 14. A change to headings 1401 through 1404 from any other chapter.

Chapter 15.

1. A change to headings 1501 through 1518 from any other chapter.
2. A change to subheadings 1519.11 through 1519.13 from any other heading, except from heading 1520.
3. A change to subheading 1519.19 from any other subheading.
4. A change to subheading 1519.20 from any other heading, except from heading 1520.
5. A change to subheading 1520.10 from any other heading, except from heading 1519.
6. A change to subheading 1520.90 from any other subheading.
7. A change to headings 1521 through 1522 from any other chapter.

Chapter 16. A change to headings 1601 through 1605 from any other chapter.

Chapter 17.

1. A change to headings 1701 through 1703 from any other chapter.
2. A change to heading 1704 from any other heading.

Chapter 18.

1. A change to headings 1801 through 1805 from any other chapter.
2. A change to tariff items 1806.10.41 or 1806.10.42 from any other heading.
3. A change to subheading 1806.10 from any other heading, provided that the non-originating sugar of chapter 17 constitutes no more than 35 percent by weight of the sugar and the non-originating cocoa powder of heading 1805 constitutes no more than 35 percent by weight of the cocoa powder.

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4. A change to subheading 1806.20 from any other heading.

5. A change to subheading 1806.31 from any other subheading.

6. A change to subheading 1806.32 from any other heading.

7. A change to subheading 1806.90 from any other subheading.

Chapter 19.

1. A change to tariff item 1901.10.10 from any other chapter, except from chapter 4.

2. A change to subheading 1901.10 from any other chapter.

3. A change to tariff item 1901.20.10 from any other chapter, except from chapter 4.

4. A change to subheading 1901.20 from any other chapter.

5. A change to tariff items 1901.90.31, 1901.90.41 or 1901.90.81 from any other chapter, except from chapter 4.

6. A change to subheading 1901.90 from any other chapter.

7. A change to headings 1902 through 1905 from any other chapter.

Chapter 20.

1. A change to headings 2001 through 2007 from any other chapter.

2. A change to tariff item 2008.11.20 from any other heading, except from heading 1202.

3. A change to subheading 2008.11 from any other chapter.

4. A change to subheadings 2008.19 through 2008.99 from any other chapter.

5. A change to subheadings 2009.11 through 2009.30 from any other chapter, except from heading 0805.

6. A change to subheadings 2009.40 through 2009.80 from any other chapter.

7. A change to subheading 2009.90 from any other chapter; or a change to subheading 2009.90 from any other subheading within chapter 20, whether or not there is also a change from any other chapter, provided that a single juice ingredient or juice ingredients from one non-party to the NAFTA constitute in single strength form no more than 60 percent by volume of the good.

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Chapter 21.

1. A change to tariff item 2101.10.21 from any other chapter, provided that the non-originating coffee of chapter 9 constitutes no more than 60 percent by weight of the good.

2. A change to heading 2101 from any other chapter.

3. A change to heading 2102 from any other chapter.

4. A change to subheading 2103.10 from any other chapter.

5. A change to tariff item 2103.20.20 from any other chapter, except from subheading 2002.90.

6. A change to subheading 2103.20 from any other chapter.

7. A change to subheadings 2103.30 through 2103.90 from any other chapter.

8. A change to heading 2104 from any other chapter.

9. A change to heading 2105 from any other heading, except from chapter 4 or from tariff items 1901.90.31, 1901.90.41 or 1901.90.81.

10. A change to tariff items 2106.90.16 or 2106.90.17 from any other chapter, except from headings 0805 or 2009, or tariff items 2202.90.30, 2202.90.35 or 2202.90.36.

11.(A) A change to tariff item 2106.90.18 from any other chapter, except from heading 2009 or tariff item 2202.90.37; or

(B) A change to tariff item 2106.90.18 from any other subheading within chapter 21, heading 2009 or tariff item 2202.90.37, whether or not there is also a change from any other chapter, provided that a single juice ingredient, or juice ingredients from one non-party to the NAFTA, constitute in single strength form no more than 60 percent by volume of the good.

12. A change to tariff items 2106.90.05, 2106.90.13, 2106.90.41, 2106.90.51 or 2106.90.61 from any other chapter, except from chapter 4 or tariff items 1901.90.31, 1901.90.41 or 1901.90.81.

13. A change to heading 2106 from any other chapter.

Chapter 22.

1. A change to heading 2201 from any other chapter.

2. A change to subheading 2202.10 from any other chapter.

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3. A change to tariff items 2202.90.30, 2202.90.35 or 2202.90.36 from any other chapter, except from headings 0805 or 2009 or tariff items 2106.90.16 or 2106.90.17.

4.(A) A change to tariff item 2202.90.37 from any other chapter, except from heading 2009 or tariff item 2106.90.18; or

(B) A change to tariff item 2202.90.37 from any other subheading within chapter 22, heading 2009 or tariff item 2106.90.18, whether or not there is also a change from any other chapter, provided that a single juice ingredient, or juice ingredients from one non-party to the NAFTA, constitute in single strength form no more than 60 percent by volume of the good.

5. A change to tariff items 2202.90.10 or 2202.90.20 from any other chapter, except from chapter 4 or tariff items 1901.90.31, 1901.90.41 or 1901.90.81.

6. A change to subheading 2202.90 from any other chapter.

7. A change to headings 2203 through 2209 from any heading outside that group.

Chapter 23.

1. A change to headings 2301 through 2308 from any other chapter.

2. A change to subheading 2309.10 from any other heading.

3. A change to tariff item 2309.90.31 from any other heading, except from chapter 4 or tariff items 1901.90.31, 1901.90.41 or 1901.90.81.

4. A change to subheading 2309.90 from any other heading.

Chapter 24. A change to headings 2401 through 2403 from any other chapter or from tariff items 2401.10.21 or 2403.91.20; provided that for purposes of applying subdivision (f) of this note to goods of heading 2402, the limitation on the value of all non-originating materials used in the production of such goods that do not undergo an applicable change in tariff classification shall be nine percent of the total cost of such goods.

Chapter 25. A change to headings 2501 through 2530 from any other chapter.

Chapter 26. A change to headings 2601 through 2621 from any other chapter.

Chapter 27.

1. A change to headings 2701 through 2703 from any other chapter.

2. A change to heading 2704 from any other heading.

3. A change to headings 2705 through 2709 from any other chapter.

4. A change to headings 2710 through 2715 from any heading outside that group.

5. A change to heading 2716 from any other heading.

Chapter 28.

1.(A) A change to subheadings 2801.10 through 2824.90 from any other chapter, except from chapters 28 through 38; or

(B) A change to subheadings 2801.10 through 2824.90 from any other subheading within chapters 28 through 38, including another subheading within that group, whether or not there is also a change from any other chapter, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

2.(A) A change to subheadings 2825.10 through 2825.60 from any other chapter, except from chapters 28 through 38; or

(B) A change to subheadings 2825.10 through 2825.60 from any other subheading within chapters 28 through 38, including another subheading within that group, whether or not there is also a change from any other chapter, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

3. A change to subheading 2825.70 from any other subheading, except from subheading 2613.10.

4.(A) A change to subheadings 2825.80 through 2825.90 from any other chapter, except from chapters 28 through 38; or

(B) A change to subheadings 2825.80 through 2825.90 from any other subheading within chapters 28 through 38, including another subheading within that group, whether or not there is also a change from any other chapter, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

5.(A) A change to subheadings 2826.11 through 2829.90 from any other chapter, except from chapters 28 through 38; or

(B) A change to subheadings 2826.11 through 2829.90 from any other subheading within chapters 28 through 38, including another subheading within that group, whether or not there is also a change from any other chapter, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

6.(A) A change to subheadings 2830.10 through 2830.30 from any other chapter, except from chapters 28 through 38; or

(B) A change to subheadings 2830.10 through 2830.30 from any other subheading within chapters 28 through 38, including another subheading within that group, whether or not there is also a change from any other chapter, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

7. A change to subheading 2830.90 from any other subheading, except from subheading 2613.90.

8.(A) A change to subheadings 2831.10 through 2840.30 from any other chapter, except from chapters 28 through 38; or

(B) A change to subheadings 2831.10 through 2840.30 from any other subheading within chapters 28 through 38, including another subheading within that group, whether or not there is also a change from any other chapter, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

9.(A) A change to subheadings 2841.10 through 2841.60 from any other chapter, except from chapters 28 through 38; or

(B) A change to subheadings 2841.10 through 2841.60 from any other subheading within chapters 28 through 38, including another subheading within that group, whether or not there is also a change from any other chapter, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

10. A change to subheading 2841.70 from any other subheading, except from subheading 2613.10.

11.(A) A change to subheadings 2841.80 through 2841.90 from any other chapter, except from chapters 28 through 38; or

(B) A change to subheadings 2841.80 through 2841.90 from any other subheading within chapters 28 through 38, including another subheading within that group, whether or not there is also a change from any other chapter, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

12.(A) A change to subheadings 2842.10 through 2851.00 from any other chapter, except from chapters 28 through 38; or

(B) A change to subheadings 2842.10 through 2851.00 from any other subheading within chapters 28 through 38, including another subheading within that group, whether or not there is also a change from any other chapter, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

Chapter 29.

1.(A) A change to subheadings 2901.10 through 2942.00 from any other chapter, except from chapters 28 through 38; or

(B) A change to subheadings 2901.10 through 2942.00 from any other subheading within chapters 28 through 38, including another subheading within that group, whether or not there is also a change from any other chapter, provided there is a regional value content of not less than:

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(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

Chapter 30.

1.(A) A change to subheadings 3001.10 through 3001.90 from any other heading; or

(B) A change to subheadings 3001.10 through 3001.90 from any other subheading within heading 3001, whether or not there is also a change from any other heading, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

2.(A) A change to subheadings 3002.10 through 3002.90 from any other heading; or

(B) A change to subheadings 3002.10 through 3002.90 from any other subheading within heading 3002, whether or not there is also a change from any other heading, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

3.(A) A change to subheadings 3003.10 through 3003.90 from any other heading; or

(B) A change to subheadings 3003.10 through 3003.90 from any other subheading within heading 3003, whether or not there is also a change from any other heading, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

4.(A) A change to subheadings 3004.10 through 3004.90 from any other heading, except from heading 3003; or

(B) A change to subheadings 3004.10 through 3004.90 from any other subheading within heading 3004, whether or not there is also a change from any other heading, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

5.(A) A change to subheadings 3005.10 through 3005.90 from any other heading; or

(B) A change to subheadings 3005.10 through 3005.90 from any other subheading within heading 3005, whether or not there is also a change from any other heading, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

6.(A) A change to subheadings 3006.10 through 3006.60 from any other heading; or

(B) A change to subheadings 3006.10 through 3006.60 from any other subheading within heading 3006, whether or not there is also a change from any other heading, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

Chapter 31.

1.(A) A change to subheadings 3101.00 through 3105.90 from any subheading outside that group; or

(B) A change to subheadings 3101.00 through 3105.90 from any other subheading within that group, whether or not there is also a change from any other chapter, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

Chapter 32.

1.(A) A change to subheadings 3201.10 through 3203.00 from any other chapter, except from chapters 28 through 38; or

(B) A change to subheadings 3201.10 through 3203.00 from any other subheading within chapters 28 through 38, including another subheading within that group, whether or not there is also a

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change from any other chapter, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

2.(A) A change to subheadings 3204.11 through 3204.16 from any other chapter, except from chapters 28 through 38; or

(B) A change to subheadings 3204.11 through 3204.16 from any other subheading within chapters 28 through 38, including another subheading within that group, whether or not there is also a change from any other chapter, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

3.(A) For any color, as defined under the Color Index, identified in the following list of colors, a change to subheading 3204.17 from any other subheading.

Pigment yellow:	1, 3, 16, 55, 61, 62, 65, 73, 74, 75, 81, 97, 120, 151, 152, 154, 156, and 175;
Pigment orange:	4, 5, 13, 34, 36, 60, and 62;
Pigment red:	2, 3, 5, 12, 13, 14, 17, 18, 19, 22, 23, 24, 31, 32, 48, 49, 52, 53, 57, 63, 112, 119, 133, 146, 170, 171, 175, 176, 183, 185, 187, 188, 208, and 210; or

(B) For any color, as defined under the Color Index, not identified in the above list of colors:

(1) a change to subheading 3204.17 from any other subheading, except from within chapter 29; or

(2) a change to subheading 3204.17 from any subheading within chapter 29, whether or not there is also a change from any other subheading, provided there is a regional value content of not less than:

(I) 60 percent where the transaction value method is used, or

(II) 50 percent where the net cost method is used.

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4.(A) A change to subheadings 3204.19 through 3204.90 from any other chapter, except from chapters 28 through 38; or

(B) A change to subheadings 3204.19 through 3204.90 from any other subheading within chapters 28 through 38, including another subheading within that group, whether or not there is also a change from any other chapter, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

5. A change to heading 3205 from any other heading.

6.(A) A change to subheadings 3206.10 through 3207.40 from any other chapter, except from chapters 28 through 38; or

(B) A change to subheadings 3206.10 through 3207.40 from any other subheading within chapters 28 through 38, including another subheading within that group, whether or not there is also a change from any other chapter, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

7. A change to headings 3208 through 3210 from any heading outside that group.

8. A change to headings 3211 through 3212 from any heading outside that group.

9. A change to headings 3213 through 3215 from any heading outside that group, except from headings 3208 through 3210.

Chapter 33.

1.(A) A change to subheadings 3301.11 through 3301.90 from any other chapter; or

(B) A change to subheadings 3301.11 through 3301.90 from any other subheading within chapter 33, including another subheading within that group, whether or not there is also a change from any other chapter, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

2. A change to heading 3302 from any other heading, except from headings 2207 through 2208.

3.(A) A change to heading 3303 from any other chapter; or

(B) A change to heading 3303 from any other heading within chapter 33, whether or not there is also a change from any other chapter, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

4.(A) A change to subheadings 3304.10 through 3307.90 from any heading outside that group; or

(B) A change to subheadings 3304.10 through 3307.90 from any other subheading within that group, whether or not there is also a change from any heading outside that group, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

Chapter 34.

1.(A) A change to subheadings 3401.11 through 3401.20 from any other heading; or

(B) A change to subheadings 3401.11 through 3401.20 from any other subheading within heading 3401, whether or not there is also a change from any other heading, provided there is a regional value content of not less than:

(1) 65 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

2.(A) A change to subheadings 3402.11 through 3402.19 from any other heading; or

(B) A change to subheadings 3402.11 through 3402.19 from any other subheading within heading 3402, whether or not there is also a change from any other heading, provided there is a regional value content of not less than:

(1) 65 percent where the transaction value method is used, or

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(2) 50 percent where the net cost method is used.

3.(A) A change to subheadings 3402.20 through 3402.90 from any subheading outside that group; or

(B) A change to subheadings 3402.20 through 3402.90 from any other subheading within that group, whether or not there is also a change from any subheading outside that group, provided there is a regional value content of not less than:

(1) 65 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

4.(A) A change to subheadings 3403.11 through 3403.99 from any other heading; or

(B) A change to subheadings 3403.11 through 3403.99 from any other subheading within heading 3403, whether or not there is also a change from any other heading, provided there is a regional value content of not less than:

(1) 65 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

5.(A) A change to subheadings 3404.10 through 3404.90 from any other heading; or

(B) A change to subheadings 3404.10 through 3404.90 from any other subheading within heading 3404, whether or not there is also a change from any other heading, provided there is a regional value content of not less than:

(1) 65 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

6.(A) A change to subheadings 3405.10 through 3405.90 from any other heading; or

(B) A change to subheadings 3405.10 through 3405.90 from any other subheading within heading 3405, whether or not there is also a change from any other heading, provided there is a regional value content of not less than:

(1) 65 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

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7. A change to headings 3406 through 3407 from any other heading, including another heading within that group.

Chapter 35.

1.(A) A change to subheadings 3501.10 through 3501.90 from any other heading; or

(B) A change to subheadings 3501.10 through 3501.90 from any other subheading within heading 3501, whether or not there is also a change from any other heading, provided there is a regional value content of not less than:

(1) 65 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

2.(A) A change to subheadings 3502.10 through 3502.90 from any other heading; or

(B) A change to subheadings 3502.10 through 3502.90 from any other subheading within heading 3502, whether or not there is also a change from any other heading, provided there is a regional value content of not less than:

(1) 65 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

3. A change to headings 3503 through 3504 from any other heading, including another heading within that group.

4.(A) A change to subheadings 3505.10 through 3505.20 from any other heading; or

(B) A change to subheadings 3505.10 through 3505.20 from any other subheading within heading 3505, whether or not there is also a change from any other heading, provided there is a regional value content of not less than:

(1) 65 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

5.(A) A change to subheadings 3506.10 through 3506.99 from any other heading; or

(B) A change to subheadings 3506.10 through 3506.99 from any other subheading within heading 3506, whether or not there is also a change from any other heading, provided there is a regional value content of not less than:

(1) 65 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

6.(A) A change to subheadings 3507.10 through 3507.90 from any other heading; or

(B) A change to subheadings 3507.10 through 3507.90 from any other subheading within heading 3507, whether or not there is also a change from any other heading, provided there is a regional value content of not less than:

(1) 65 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

Chapter 36.

1. A change to headings 3601 through 3603 from any other heading, including another heading within that group.

2.(A) A change to subheadings 3604.10 through 3604.90 from any other heading; or

(B) A change to subheadings 3604.10 through 3604.90 from any other subheading within heading 3604, whether or not there is also a change from any other heading, provided there is a regional value content of not less than:

(1) 65 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

3. A change to heading 3605 from any other heading.

4.(A) A change to subheadings 3606.10 through 3606.90 from any other heading; or

(B) A change to subheadings 3606.10 through 3606.90 from any other subheading within heading 3606, whether or not there is also a change from any other heading, provided there is a regional value content of not less than:

(1) 65 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

Chapter 37.

1. A change to headings 3701 through 3703 from any other chapter.

2. A change to heading 3704 from any other heading.

3. A change to headings 3705 through 3706 from any heading outside that group.

4.(A) A change to subheadings 3707.10 through 3707.90 from any other chapter; or

(B) A change to subheadings 3707.10 through 3707.90 from any other subheading within chapter 37, including another subheading within that group, whether or not there is also a change from any other chapter, provided there is a regional value content of not less than:

(1) 65 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

Chapter 38.

1.(A) A change to subheadings 3801.10 through 3807.00 from any other chapter, except from chapters 28 through 38; or

(B) A change to subheadings 3801.10 through 3807.00 from any other subheading within chapters 28 through 38, including another subheading within that group, whether or not there is also a change from any other chapter, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

2. A change to heading 3808 from any other heading, provided there is a regional value content of not less than:

(A) 60 percent where the transaction value method is used and the good contains no more than one active ingredient, or 80 percent where the transaction value method is used and the good contains more than one active ingredient; or

(B) 50 percent where the net cost method is used and the good contains no more than one active ingredient, or 70 percent where the net cost method is used and the good contains more than one active ingredient.

3.(A) A change to subheadings 3809.10 through 3823.90 from any other chapter, except from chapters 28 through 38; or

(B) A change to subheadings 3809.10 through 3823.90 from any other subheading within chapters 28 through 38, including another subheading within that group, whether or not there is also a change from any other chapter, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

Chapter 39.

1. A change to headings 3901 through 3920 from any other heading, including another heading within that group, provided there is a regional value content of not less than:

   (A) 60 percent where the transaction value method is used, or

   (B) 50 percent where the net cost method is used.

2. A change to subheadings 3921.11 through 3921.13 from any other heading, provided there is a regional value content of not less than:

   (A) 60 percent where the transaction value method is used, or

   (B) 50 percent where the net cost method is used.

3. A change to subheading 3921.14 from any other heading, except from subheadings 3920.20 or 3920.71. In addition, the regional value content must be not less than:

   (A) 60 percent where the transaction value method is used, or

   (B) 50 percent where the net cost method is used.

4. A change to subheading 3921.19 from any other heading, provided there is a regional value content of not less than:

   (A) 60 percent where the transaction value method is used, or

   (B) 50 percent where the net cost method is used.

5. A change to subheading 3921.90 from any other heading, except from subheadings 3920.20 or 3920.71. In addition, the regional value content percentage must be not less than:

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(A) 60 percent where the transaction value method is used, or

(B) 50 percent where the net cost method is used.

6. A change to heading 3922 from any other heading, provided there is a regional value content of not less than:

(A) 60 percent where the transaction value method is used, or

(B) 50 percent where the net cost method is used.

7. A change to subheadings 3923.10 through 3923.21 from any other heading, provided there is a regional value content of not less than:

(A) 60 percent where the transaction value method is used, or

(B) 50 percent where the net cost method is used.

8. A change to subheading 3923.29 from any other heading, except from subheadings 3920.20 or 3920.71. In addition, the regional value content percentage must be not less than:

(A) 60 percent where the transaction value method is used, or

(B) 50 percent where the net cost method is used.

9. A change to subheadings 3923.30 through 3923.90 from any other heading, provided there is a regional value content of not less than:

(A) 60 percent where the transaction value method is used, or

(B) 50 percent where the net cost method is used.

10. A change to headings 3924 through 3926 from any other heading, including another heading within that group, provided there is a regional value content of not less than:

(A) 60 percent where the transaction value method is used, or

(B) 50 percent where the net cost method is used.

Chapter 40.

Chapter rule 1: For the purposes of the subdivisions pertaining to this chapter, whenever the subdivision designation is underscored, the provisions of subdivision (d) of this note may apply to goods for use in a motor vehicle of chapter 87.

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1.(A) A change to headings 4001 through 4006 from any other chapter; or

(B) A change to headings 4001 through 4006 from any other heading within chapter 40, including another heading within that group, whether or not there is also a change from any other chapter, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

2. A change to headings 4007 through 4008 from any heading outside that group.

3. A change to subheadings 4009.10 through 4009.40 from any other heading, except from headings 4010 through 4017.

4.(A) A change to tubes, pipes or hoses of subheading 4009.50, of a kind for use in a motor vehicle provided for in tariff items 8702.10.60 or 8702.90.60, subheadings 8703.21 through 8703.90, 8704.21 or 8704.31, or heading 8711, from any other heading, except from headings 4010 through 4017; or

(B) A change to tubes, pipes or hoses of subheading 4009.50, of a kind for use in a motor vehicle provided for in tariff items 8702.10.60 or 8702.90.60, subheadings 8703.21 through 8703.90, 8704.21 or 8704.31, or heading 8711, from subheadings 4009.10 through 4017.00, whether or not there is also a change from any other heading, provided there is a regional value content of not less than:

(1) 60 percent where the transaction method is used, or

(2) 50 percent where the net cost method is used; or

(C) A change to tubes, pipes or hoses of subheading 4009.50, other than those of a kind for use in a motor vehicle provided for in tariff items 8702.10.60 or 8702.90.60, subheadings 8703.21 through 8703.90, 8704.21 or 8704.31, or heading 8711, from any other heading, except from headings 4010 through 4017.

Subheading rule: The underscoring of the designation in subdivision 5 pertains to goods provided for in subheading 4010.10 or heading 4011 for use in a motor vehicle of chapter 87.

5. A change to headings 4010 through 4011 from any other heading, except from headings 4009 through 4017.

6. A change to subheading 4012.10 from any other subheading, except from tariff items 4012.20.15 or 4012.20.60.

7. A change to subheadings 4012.20 through 4012.90 from any other heading, except from headings 4009 through 4017.

8. A change to headings 4013 through 4015 from any other heading, except from headings 4009 through 4017.

9. A change to subheadings 4016.10 through 4016.92 from any other heading, except from headings 4009 through 4017.

10. A change to tariff item 4016.93.10 from any other heading, except from tariff items 4008.19.20, 4008.19.60 or 4008.29.20.

11. A change to subheading 4016.93 from any other heading, except from headings 4009 through 4017.

12. A change to subheadings 4016.94 through 4016.95 from any other heading, except from headings 4009 through 4017.

13. A change to tariff items 4016.99.30 or 4016.99.55 from any other subheading, provided that there is a regional value content of not less than 50 percent under the net cost method.

14. A change to subheading 4016.99 from any other heading, except from headings 4009 through 4017.

15. A change to heading 4017 from any other heading, except from headings 4009 through 4016.

Chapter 41.

1. A change to headings 4101 through 4103 from any other chapter.

2. A change to heading 4104 from any other heading, except from headings 4105 through 4111.

3. A change to heading 4105 from headings 4101 through 4103, tariff item 4105.19.10, or any other chapter.

4. A change to heading 4106 from headings 4101 through 4103, tariff item 4106.19.20, or any other chapter.

5. A change to heading 4107 from headings 4101 through 4103, tariff item 4107.10.20, or any other chapter.

6. A change to headings 4108 through 4111 from any other heading, except from headings 4104 through 4111.

Chapter 42.

1. A change to heading 4201 from any other chapter.

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2. A change to subheading 4202.11 from any other chapter.

3. A change to subheading 4202.12 from any other chapter, except from headings 5407, 5408 or 5512 through 5516 or tariff items 5903.10.15, 5903.10.18, 5903.10.20, 5903.10.25, 5903.20.15, 5903.20.18, 5903.20.20, 5903.20.25, 5903.90.15, 5903.90.18, 5903.90.20, 5903.90.25, 5906.99.20, 5906.99.25, 5907.00.20 or 5907.00.60.

4. A change to subheadings 4202.19 through 4202.21 from any other chapter.

5. A change to subheading 4202.22 from any other chapter, except from headings 5407, 5408 or 5512 through 5516 or tariff items 5903.10.15, 5903.10.18, 5903.10.20, 5903.10.25, 5903.20.15, 5903.20.18, 5903.20.20, 5903.20.25, 5903.90.15, 5903.90.18, 5903.90.20, 5903.90.25, 5906.99.20, 5906.99.25, 5907.00.20 or 5907.00.60.

6. A change to subheadings 4202.29 through 4202.31 from any other chapter.

7. A change to subheading 4202.32 from any other chapter, except from headings 5407, 5408 or 5512 through 5516 or tariff items 5903.10.15, 5903.10.18, 5903.10.20, 5903.10.25, 5903.20.15, 5903.20.18, 5903.20.20, 5903.20.25, 5903.90.15, 5903.90.18, 5903.90.20, 5903.90.25, 5906.99.20, 5906.99.25, 5907.00.20 or 5907.00.60.

8. A change to subheadings 4202.39 through 4202.91 from any other chapter.

9. A change to subheading 4202.92 from any other chapter, except from headings 5407, 5408 or 5512 through 5516 or tariff items 5903.10.15, 5903.10.18, 5903.10.20, 5903.10.25, 5903.20.15, 5903.20.18, 5903.20.20, 5903.20.25, 5903.90.15, 5903.90.18, 5903.90.20, 5903.90.25, 5906.99.20, 5906.99.25, 5907.00.20 or 5907.00.60.

10. A change to subheading 4202.99 from any other chapter.

11. A change to headings 4203 through 4206 from any other chapter.

Chapter 43.

1. A change to heading 4301 from any other chapter.

2. A change to heading 4302 from any other heading.

3. A change to headings 4303 through 4304 from any heading outside that group.

Chapter 44. A change to headings 4401 through 4421 from any other heading, including another heading within that group.

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Chapter 45.

1. A change to headings 4501 through 4502 from any other chapter.

2. A change to headings 4503 through 4504 from any heading outside that group.

Chapter 46.

1. A change to heading 4601 from any other chapter.

2. A change to heading 4602 from any other heading.

Chapter 47. A change to headings 4701 through 4707 from any other chapter.

Chapter 48.

1. A change to headings 4801 through 4807 from any other chapter.

2. A change to headings 4808 through 4809 from any heading outside that group.

3. A change to headings 4810 through 4813 from any other chapter.

4. A change to headings 4814 through 4815 from any heading outside that group.

5. A change to heading 4816 from any other heading, except from heading 4809.

6. A change to headings 4817 through 4823 from any heading outside that group.

Chapter 49. A change to headings 4901 through 4911 from any other chapter.

Chapter 50.

1. A change to headings 5001 through 5003 from any other chapter.

2. A change to headings 5004 through 5006 from any heading outside that group.

3. A change to heading 5007 from any other heading.

Chapter 51.

1. A change to headings 5101 through 5105 from any other chapter.

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2. A change to headings 5106 through 5110 from any heading outside that group.

3. A change to headings 5111 through 5113 from any heading outside that group, except from headings 5106 through 5110, 5205 through 5206, 5401 through 5404 or 5509 through 5510.

Chapter 52.

1. A change to headings 5201 through 5207 from any other chapter, except from headings 5401 through 5405 or 5501 through 5507.

2. A change to headings 5208 through 5212 from any heading outside that group, except from headings 5106 through 5110, 5205 through 5206, 5401 through 5404 or 5509 through 5510.

Chapter 53.

1. A change to headings 5301 through 5305 from any other chapter.

2. A change to headings 5306 through 5308 from any heading outside that group.

3. A change to heading 5309 from any other heading, except from headings 5307 through 5308.

4. A change to headings 5310 through 5311 from any heading outside that group, except from headings 5307 through 5308.

Chapter 54.

1. A change to headings 5401 through 5406 from any other chapter, except from headings 5201 through 5203 or 5501 through 5507.

2. A change to tariff items 5407.60.11, 5407.60.21 or 5407.60.91 from tariff items 5402.43.10 or 5402.52.10, or from any other chapter, except from headings 5106 through 5110, 5205 through 5206 or 5509 through 5510.

3. A change to heading 5407 from any other chapter, except from headings 5106 through 5110, 5205 through 5206 or 5509 through 5510.

4. A change to heading 5408 from any other chapter, except from headings 5106 through 5110, 5205 through 5206 or 5509 through 5510.

Chapter 55.

1. A change to headings 5501 through 5511 from any other chapter, except from headings 5201 through 5203 or 5401 through 5405.

2. A change to headings 5512 through 5516 from any heading outside that group, except from headings 5106 through 5110, 5205 through 5206, 5401 through 5404 or 5509 through 5510.

Chapter 56. A change to headings 5601 through 5609 from any other chapter, except from headings 5106 through 5113, 5204 through 5212, 5307 through 5308 or 5310 through 5311, or chapters 54 through 55.

Chapter 57.

A change to headings 5701 through 5705 from any other chapter, except from headings 5106 through 5113, 5204 through 5212, 5308 or 5311, chapter 54, or headings 5508 through 5516; provided that for purposes of trade between the United States and Mexico, a good of chapter 57 shall be treated as an originating good only if any of the following changes in tariff classification were satisfied within the territory of one or more of the parties:

(a) A change to subheadings 5703.20 or 5703.30 or heading 5704 from any heading outside chapter 57 other than headings 5106 through 5113, 5204 through 5212, 5308, 5311 or any headings of chapters 54 or 55; or

(b) A change to any other heading or subheading of chapter 57 from any heading outside that chapter other than headings 5106 through 5113, 5204 through 5212, 5308, 5311, any heading of chapter 54 or headings 5508 through 5516.

Chapter 58. A change to headings 5801 through 5811 from any other chapter, except from headings 5106 through 5113, 5204 through 5212, 5307 through 5308 or 5310 through 5311, or chapters 54 through 55.

Chapter 59.

1. A change to heading 5901 from any other chapter, except from headings 5111 through 5113, 5208 through 5212, 5310 through 5311, 5407 through 5408 or 5512 through 5516.

2. A change to heading 5902 from any other heading, except from headings 5106 through 5113, 5204 through 5212, or 5306 through 5311, or chapters 54 through 55.

3. A change to headings 5903 through 5908 from any other chapter, except from headings 5111 through 5113, 5208 through 5212, 5310 through 5311, 5407 through 5408 or 5512 through 5516.

4. A change to heading 5909 from any other chapter, except from headings 5111 through 5113, 5208 through 5212 or 5310 through 5311, chapter 54, or headings 5512 through 5516.

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5. A change to heading 5910 from any other heading, except from headings 5106 through 5113, 5204 through 5212, 5307 through 5308 or 5310 through 5311, or chapters 54 through 55.

6. A change to heading 5911 from any other chapter, except from headings 5111 through 5113, 5208 through 5212, 5310 through 5311, 5407 through 5408 or 5512 through 5516.

Chapter 60. A change to headings 6001 through 6002 from any other chapter, except from headings 5106 through 5113, chapter 52, headings 5307 through 5308, or 5310 through 5311, or chapters 54 through 55.

Chapter 61.

Chapter rule 1: A change to any of the following headings or subheadings for visible lining fabrics:

5111 through 5112, 5208.31 through 5208.59, 5209.31 through 5209.59, 5210.31 through 5210.59, 5211.31 through 5211.59, 5212.13 through 5212.15, 5212.23 through 5212.25, 5407.42 through 5407.44, 5407.52 through 5407.54, 5407.60, 5407.72 through 5407.74, 5407.82 through 5407.84, 5407.92 through 5407.94, 5408.22 through 5408.24 (excluding tariff items 5408.22.10, 5408.23.11, 5408.23.21 or 5408.24.10), 5408.32 through 5408.34, 5512.19, 5512.29, 5512.99, 5513.21 through 5513.49, 5514.21 through 5515.99, 5516.12 through 5516.14, 5516.22 through 5516.24, 5516.32 through 5516.34, 5516.42 through 5516.44, 5516.92 through 5516.94, 6001.10, 6001.92, 6002.43 or 6002.91 through 6002.93,

from any other heading outside that group.

Chapter rule 2: For purposes of determining the origin of a good of this chapter, the rule applicable to that good shall only apply to the component that determines the tariff classification of the good, and such component must satisfy the tariff change requirements set out in the rule for that good. If the rule requires that the good must also satisfy the tariff change requirements for visible lining fabrics listed in chapter rule 1 for this chapter, such requirement shall only apply to the visible lining fabric in the main body of the garment, excluding sleeves, which covers the largest surface area, and shall not apply to removable linings.

Chapter rule 3: For purposes of trade between the United States and Mexico, sweaters of subheadings 6110.30, 6103.23 or 6104.23, and sweaters otherwise described in subheading 6110.30 that are classified as part of an ensemble in subheadings 6103.23 or 6104.23, shall be treated as an originating good only if any of the following changes in tariff classification is satisfied within the territory of one or more of the NAFTA parties:

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(a) A change to tariff items 6110.30.10, 6110.30.15, 6110.30.20 or 6110.30.30 from any heading outside chapter 61 other than headings 5106 through 5113, 5204 through 5212, 5307 through 5308, 5310 through 5311, any heading of chapters 54 or 55 or headings 6001 through 6002, provided that the good is both cut (or knit to shape) and sewn or otherwise assembled in the territory of one or more of the NAFTA parties; or

(b) A change to subheading 6110.30 from any heading outside chapter 61 other than headings 5106 through 5113, 5204 through 5212, 5307 through 5308, 5310 through 5311, any heading of chapter 54, headings 5508 through 5516, or 6001 through 6002, provided that the good is both cut (or knit to shape) and sewn or otherwise assembled in the territory of one or more NAFTA parties.

1. A change to subheadings 6101.10 through 6101.30 from any other chapter, except from headings 5106 through 5113, 5204 through 5212, 5307 through 5308 or 5310 through 5311, chapter 54, or headings 5508 through 5516 or 6001 through 6002, provided that:

    (A) the good is both cut (or knit to shape) and sewn or otherwise assembled in the territory of one or more of the NAFTA parties, and

    (B) the visible lining fabric listed in chapter rule 1 for chapter 61 satisfies the tariff change requirements provided therein.

2. A change to subheading 6101.90 from any other chapter, except from headings 5106 through 5113, 5204 through 5212, 5307 through 5308 or 5310 through 5311, chapter 54, or headings 5508 through 5516 or 6001 through 6002, provided that the good is both cut (or knit to shape) and sewn or otherwise assembled in the territory of one or more of the NAFTA parties.

3. A change to subheadings 6102.10 through 6102.30 from any other chapter, except from headings 5106 through 5113, 5204 through 5212, 5307 through 5308 or 5310 through 5311, chapter 54, or headings 5508 through 5516 or 6001 through 6002, provided that:

    (A) the good is both cut (or knit to shape) and sewn or otherwise assembled in the territory of one or more of the NAFTA parties, and

    (B) the visible lining fabric listed in chapter rule 1 for chapter 61 satisfies the tariff change requirements provided therein.

4. A change to subheading 6102.90 from any other chapter, except from headings 5106 through 5113, 5204 through 5212, 5307 through 5308 or 5310 through 5311, chapter 54, or headings 5508 through 5516 or 6001 through 6002, provided that the good is both cut (or knit to shape)

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and sewn or otherwise assembled in the territory of one or more of the NAFTA parties.

5. A change to subheadings 6103.11 through 6103.12 from any other chapter, except from headings 5106 through 5113, 5204 through 5212, 5307 through 5308 or 5310 through 5311, chapter 54, or headings 5508 through 5516 or 6001 through 6002, provided that:

   (A) the good is both cut (or knit to shape) and sewn or otherwise assembled in the territory of one or more of the NAFTA parties, and

   (B) the visible lining fabric listed in chapter rule 1 for chapter 61 satisfies the tariff change requirements provided therein.

6. A change to tariff item 6103.19.40 from any other chapter, except from headings 5106 through 5113, 5204 through 5212, 5307 through 5308 or 5310 through 5311, chapter 54, or headings 5508 through 5516 or 6001 through 6002, provided that the good is both cut (or knit to shape) and sewn or otherwise assembled in the territory of one or more of the NAFTA parties.

7. A change to subheading 6103.19 from any other chapter, except from headings 5106 through 5113, 5204 through 5212, 5307 through 5308 or 5310 through 5311, chapter 54, or headings 5508 through 5516 or 60.01 through 6002, provided that:

   (A) the good is both cut (or knit to shape) and sewn or otherwise assembled in the territory of one or more of the NAFTA parties, and

   (B) the visible lining fabric listed in chapter rule 1 for chapter 61 satisfies the tariff change requirements provided therein.

8. A change to subheadings 6103.21 through 6103.29 from any other chapter, except from headings 5106 through 5113, 5204 through 5212, 5307 through 5308 or 5310 through 5311, chapter 54, or heading 5508 through 5516 or 6001 through 6002, provided that:

   (A) the good is both cut (or knit to shape) and sewn or otherwise assembled in the territory of one or more of the NAFTA parties, and

   (B) with respect to a garment described in heading 6101 or a jacket or a blazer described in heading 6103, of wool, fine animal hair, cotton or man-made fibers, imported as part of an ensemble of these subheadings, the visible lining fabric listed in chapter rule 1 for chapter 61 satisfies the tariff change requirements provided therein.

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9. A change to subheadings 6103.31 through 6103.33 from any other chapter, except from headings 5106 through 5113, 5204 through 5212, 5307 through 5308 or 5310 through 5311, chapter 54, or headings 5508 through 5516 or 6001 through 6002, provided that:

   (A) the good is both cut (or knit to shape) and sewn or otherwise assembled in the territory of one or more of the NAFTA parties, and

   (B) the visible lining fabric listed in chapter rule 1 for chapter 61 satisfies the tariff change requirements provided therein.

10. A change to tariff item 6103.39.20 from any other chapter, except from headings 5106 through 5113, 5204 through 5212, 5307 through 5308 or 5310 through 5311, chapter 54, or headings 5508 through 5516 or 6001 through 6002, provided that the good is both cut (or knit to shape) and sewn or otherwise assembled in the territory of one or more of the NAFTA parties.

11. A change to subheading 6103.39 from any other chapter, except from headings 5106 through 5113, 5204 through 5212, 5307 through 5308 or 5310 through 5311, chapter 54, or headings 5508 through 5516 or 6001 through 6002, provided that:

   (A) the good is both cut (or knit to shape) and sewn or otherwise assembled in the territory of one or more of the NAFTA parties, and

   (B) the visible lining fabric listed in chapter rule 1 for chapter 61 satisfies the tariff change requirements provided therein.

12. A change to subheadings 6103.41 through 6103.49 from any other chapter, except from headings 5106 through 5113, 5204 through 5212, 5307 through 5308 or 5310 through 5311, chapter 54, or headings 5508 through 5516 or 6001 through 6002, provided that the good is both cut (or knit to shape) and sewn or otherwise assembled in the territory of one or more of the NAFTA parties.

13. A change to subheadings 6104.11 through 6104.13 from any other chapter, except from headings 5106 through 5113, 5204 through 5212, 5307 through 5308 or 5310 through 5311, chapter 54, or headings 5508 through 5516 or 6001 through 6002, provided that:

   (A) the good is both cut (or knit to shape) and sewn or otherwise assembled in the territory of one or more of the NAFTA parties, and

   (B) the visible lining fabric listed in chapter rule 1 for chapter 61 satisfies the tariff change requirements provided therein.

14. A change to tariff item 6104.19.20 from any other chapter, except from headings 5106 through 5113, 5204 through 5212, 5307 through 5308 or 5310 through 5311, chapter 54, or headings 5508 through 5516 or 6001 through 6002, provided that the good is both cut (or knit to shape) and sewn or otherwise assembled in the territory of one or more of the NAFTA parties.

15. A change to subheading 6104.19 from any other chapter, except from headings 5106 through 5113, 5204 through 5212, 5307 through 5308 or 5310 through 5311, chapter 54, or headings 5508 through 5516 or 6001 through 6002, provided that:

    (A) the good is both cut (or knit to shape) and sewn or otherwise assembled in the territory of one or more of the NAFTA parties, and

    (B) the visible lining fabric listed in chapter rule 1 for chapter 61 satisfies the tariff change requirements provided therein.

16. A change to subheadings 6104.21 through 6104.29 from any other chapter, except from headings 5106 through 5113, 5204 through 5212, 5307 through 5308 or 5310 through 5311, chapter 54, or headings 5508 through 5516 or 6001 through 6002, provided that:

    (A) the good is both cut (or knit to shape) and sewn or otherwise assembled in the territory of one or more of the NAFTA parties, and

    (B) with respect to a garment described in heading 6102, a jacket or a blazer described in heading 6104, or a skirt described in heading 6104, of wool, fine animal hair, cotton or man-made fibers, imported as part of an ensemble of these subheadings, the visible lining fabric listed in chapter rule 1 for chapter 61 satisfies the tariff change requirements provided therein.

17. A change to subheadings 6104.31 through 6104.33 from any other chapter, except from headings 5106 through 5113, 5204 through 5212, 5307 through 5308 or 5310 through 5311, chapter 54, or headings 5508 through 5516 or 6001 through 6002, provided that:

    (A) the good is both cut (or knit to shape) and sewn or otherwise assembled in the territory of one or more of the NAFTA parties, and

    (B) the visible lining fabric listed in chapter rule 1 for chapter 61 satisfies the tariff change requirements provided therein.

18. A change to tariff item 6104.39.20 from any other chapter, except from headings 5106 through 5113, 5204 through 5212, 5307 through 5308 or 5310 through 5311, chapter 54, or headings 5508 through 5516 or 6001 through 6002, provided that the good is both cut (or knit to

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shape) and sewn or otherwise assembled in the territory of one or more of the NAFTA parties.

19. A change to subheading 6104.39 from any other chapter, except from headings 5106 through 5113, 5204 through 5212, 5307 through 5308 or 5310 through 5311, chapter 54, or headings 5508 through 5516 or 6001 through 6002, provided that:

    (A) the good is both cut (or knit to shape) and sewn or otherwise assembled in the territory of one or more of the NAFTA parties, and

    (B) the visible lining fabric listed in chapter rule 1 for chapter 61 satisfies the tariff change requirements provided therein.

20. A change to subheadings 6104.41 through 6104.49 from any other chapter, except from headings 5106 through 5113, 5204 through 5212, 5307 through 5308 or 5310 through 5311, chapter 54, or headings 5508 through 5516 or 6001 through 6002, provided that the good is both cut (or knit to shape) and sewn or otherwise assembled in the territory of one or more of the NAFTA parties.

21. A change to subheadings 6104.51 through 6104.53 from any other chapter, except from headings 5106 through 5113, 5204 through 5212, 5307 through 5308 or 5310 through 5311, chapter 54, or headings 5508 through 5516 or 6001 through 6002, provided that:

    (A) the good is both cut (or knit to shape) and sewn or otherwise assembled in the territory of one or more of the NAFTA parties, and

    (B) the visible lining fabric listed in chapter rule 1 for chapter 61 satisfies the tariff change requirements provided therein.

22. A change to tariff item 6104.59.20 from any other chapter, except from headings 5106 through 5113, 5204 through 5212, 5307 through 5308 or 5310 through 5311, chapter 54, or headings 5508 through 5516 or 6001 through 6002, provided that the good is both cut (or knit to shape) and sewn or otherwise assembled in the territory of one or more of the NAFTA parties.

23. A change to subheading 6104.59 from any other chapter, except from headings 5106 through 5113, 5204 through 5212, 5307 through 5308 or 5310 through 5311, chapter 54, or headings 5508 through 5516 or 6001 through 6002, provided that:

    (A) the good is both cut (or knit to shape) and sewn or otherwise assembled in the territory of one or more of the NAFTA parties, and

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(B) the visible lining fabric listed in chapter rule 1 for chapter 61 satisfies the tariff change requirements provided therein.

24. A change to subheadings 6104.61 through 6104.69 from any other chapter, except from headings 5106 through 5113, 5204 through 5212, 5307 through 5308 or 5310 through 5311, chapter 54, or headings 5508 through 5516 or 6001 through 6002, provided that the good is both cut (or knit to shape) and sewn or otherwise assembled in the territory of one or more of the NAFTA parties.

25. A change to headings 6105 through 6106 from any other chapter, except from headings 5106 through 5113, 5204 through 5212, 5307 through 5308 or 5310 through 5311, chapter 54, or headings 5508 through 5516 or 6001 through 6002, provided that the good is both cut (or knit to shape) and sewn or otherwise assembled in the territory of one or more of the NAFTA parties.

26. A change to subheadings 6107.11 through 6107.19 from any other chapter, except from headings 5106 through 5113, 5204 through 5212, 5307 through 5308 or 5310 through 5311, chapter 54, or headings 5508 through 5516 or 6001 through 6002, provided that the good is both cut (or knit to shape) and sewn or otherwise assembled in the territory of one or more of the NAFTA parties.

27. A change to subheading 6107.21 from:

(A) tariff item 6002.92.10, provided that the good, exclusive of collar, cuffs, waistband or elastic, is wholly of such fabric and the good is both cut and sewn or otherwise assembled in the territory of one or more of the NAFTA parties, or

(B) any other chapter, except from headings 5106 through 5113, 5204 through 5212, 5307 through 5308 or 5310 through 5311, chapter 54, or headings 5508 through 5516 or 6001 through 6002, provided that the good is both cut (or knit to shape) and sewn or otherwise assembled in the territory of one or more of the NAFTA parties.

28. A change to subheadings 6107.22 through 6107.99 from any other chapter, except from headings 5106 through 5113, 5204 through 5212, 5307 through 5308 or 5310 through 5311, chapter 54, or headings 5508 through 5516 or 6001 through 6002, provided that the good is both cut (or knit to shape) and sewn or otherwise assembled in the territory of one or more of the NAFTA parties.

29. A change to subheadings 6108.11 through 6108.19 from any other chapter, except from headings 5106 through 5113, 5204 through 5212, 5307 through 5308 or 5310 through 5311, chapter 54, or headings 5508 through 5516 or 6001 through 6002, provided that the good is both cut (or knit to shape) and sewn or otherwise assembled in the territory of one or more of the NAFTA parties.

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30. A change to subheading 6108.21 from:

    (A) tariff item 6002.92.10, provided that the good, exclusive of waistband, elastic or lace, is wholly of such fabric and the good is both cut and sewn or otherwise assembled in the territory of one or more of the NAFTA parties, or

    (B) any other chapter, except from headings 5106 through 5113, 5204 through 5212, 5307 through 5308 or 5310 through 5311, chapter 54, or heading 5508 through 5516 or 6001 through 6002, provided that the good is both cut (or knit to shape) and sewn or otherwise assembled in the territory of one or more of the NAFTA parties.

31. A change to subheadings 6108.22 through 6108.29 from any other chapter, except from headings 5106 through 5113, 5204 through 5212, 5307 through 5308 or 5310 through 5311, chapter 54, or headings 5508 through 5516 or 6001 through 6002, provided that the good is both cut (or knit to shape) and sewn or otherwise assembled in the territory of one or more of the NAFTA parties.

32. A change to subheading 6108.31 from:

    (A) tariff item 6002.92.10, provided that the good, exclusive of collar, cuffs, waistband, elastic or lace, is wholly of such fabric and the good is both cut and sewn or otherwise assembled in the territory of one or more of the NAFTA parties, or

    (B) any other chapter, except from headings 5106 through 5113, 5204 through 5212, 5307 through 5308 or 5310 through 5311, chapter 54, or headings 5508 through 5516 or 6001 through 6002, provided that the good is both cut (or knit to shape) and sewn or otherwise assembled in the territory of one or more of the NAFTA parties.

33. A change to subheadings 6108.32 through 6108.39 from any other chapter, except from headings 5106 through 5113, 5204 through 5212, 5307 through 5308 or 5310 through 5311, chapter 54, or headings 5508 through 5516 or 6001 through 6002, provided that the good is both cut (or knit to shape) and sewn or otherwise assembled in the territory of one or more of the NAFTA parties.

34. A change to subheadings 6108.91 through 6108.99 from any other chapter, except from headings 5106 through 5113, 5204 through 5212, 5307 through 5308 or 5310 through 5311, chapter 54, or headings 5508 through 5516 or 6001 through 6002, provided that the good is both cut (or knit to shape) and sewn or otherwise assembled in the territory of one or more of the NAFTA parties.

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35. A change to headings 6109 through 6111 from any other chapter, except from headings 5106 through 5113, 5204 through 5212, 5307 through 5308 or 5310 through 5311, chapter 54, or headings 5508 through 5516 or 6001 through 6002, provided that the good is both cut (or knit to shape) and sewn or otherwise assembled in the territory of one or more of the NAFTA parties.

36. A change to subheadings 6112.11 through 6112.19 from any other chapter, except from headings 5106 through 5113, 5204 through 5212, 5307 through 5308 or 5310 through 5311, chapter 54, or headings 5508 through 5516 or 6001 through 6002, provided that the good is both cut (or knit to shape) and sewn or otherwise assembled in the territory of one or more of the NAFTA parties.

37. A change to subheading 6112.20 from any other chapter, except from headings 5106 through 5113, 5204 through 5212, 5307 through 5308 or 5310 through 5311, chapter 54, or headings 5508 through 5516 or 6001 through 6002, provided that:

    (A) the good is both cut (or knit to shape) and sewn or otherwise assembled in the territory of one or more of the NAFTA parties, and

    (B) with respect to a garment described in headings 6101, 6102, 6201 or 6202, of wool, fine animal hair, cotton or man-made fibers, imported as part of a ski-suit of this subheading, the visible lining fabric listed in chapter rule 1 for chapter 61 satisfies the tariff change requirements provided therein.

38. A change to subheadings 6112.31 through 6112.49 from any other chapter, except from headings 5106 through 5113, 5204 through 5212, 5307 through 5308 or 5310 through 5311, chapter 54, or headings 5508 through 5516 or 6001 through 6002, provided that the good is both cut (or knit to shape) and sewn or otherwise assembled in the territory of one or more of the NAFTA parties.

39. A change to headings 6113 through 6117 from any other chapter, except from headings 5106 through 5113, 5204 through 5212, 5307 through 5308 or 5310 through 5311, chapter 54, or heading 5508 through 5516 or 6001 through 6002, provided that the good is both cut (or knit to shape) and sewn or otherwise assembled in the territory of one or more of the NAFTA parties.

Chapter 62.

Chapter rule 1: A change to any of the following headings or subheadings for visible lining fabrics:

5111 through 5112, 5208.31 through 5208.59, 5209.31 through 5209.59, 5210.31 through 5210.59, 5211.31 through 5211.59, 5212.13 through 5212.15, 5212.23 through 5212.25, 5407.42 through 5407.44, 5407.52

through 5407.54, 5407.60, 5407.72 through 5407.74, 5407.82 through 5407.84, 5407.92 through 5407.94, 5408.22 through 5408.24 (excluding tariff items 5408.22.10, 5408.23.11, 5408.23.21 and 5408.24.10), 5408.32 through 5408.34, 5512.19, 5512.29, 5512.99, 5513.21 through 5513.49, 5514.21 through 5515.99, 5516.12 through 5516.14, 5516.22 through 5516.24, 5516.32 through 5516.34, 5516.42 through 5516.44, 5516.92 through 5516.94, 6001.10, 6001.92, 6002.43 or 6002.91 through 6002.93,

from any other heading outside that group.

Chapter rule 2: Apparel goods of this chapter shall be considered to originate if they are both cut and sewn or otherwise assembled in the territory of one or more of the NAFTA parties and if the fabric of the outer shell, exclusive of collars or cuffs, is wholly of one or more of the following:

(A) Velveteen fabrics of subheading 5801.23, containing 85 per cent or more by weight of cotton;

(B) Corduroy fabrics of subheading 5801.22, containing 85 per cent or more by weight of cotton and containing more than 7.5 wales per centimeter;

(C) Fabrics of subheadings 5111.11 or 5111.19, if hand-woven, with a loom width of less than 76 cm, woven in the United Kingdom in accordance with the rules and regulations of the Harris Tweed Association, Ltd., and so certified by the Association;

(D) Fabrics of subheading 5112.30, weighing not more than 340 grams per square meter, containing wool, not less than 20 per cent by weight of fine animal hair and not less than 15 per cent by weight of man-made staple fibers; or

(E) Batiste fabrics of subheadings 5513.11 or 5513.21, of square construction, of single yarns exceeding 76 metric count, containing between 60 and 70 warp ends and filling picks per square centimeter, of a weight not exceeding 110 grams per square meter.

Chapter rule 3: For purposes of determining the origin of a good of this chapter, the rule applicable to that good shall only apply to the component that determines the tariff classification of the good and such component must satisfy the tariff change requirements set out in the rule for that good. If the rule requires that the good must also satisfy the tariff change requirements for visible lining fabrics listed in chapter rule 1 for this chapter, such requirement shall only apply to the visible lining fabric in the main body of the garment, excluding sleeves, which covers the largest surface area, and shall not apply to removable linings.

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1. A change to subheadings 6201.11 through 6201.13 from any other chapter, except from headings 5106 through 5113, 5204 through 5212, 5307 through 5308 or 5310 through 5311, chapter 54, or headings 5508 through 5516, 5801 through 5802 or 6001 through 6002, provided that:

   (A) the good is both cut and sewn or otherwise assembled in the territory of one or more of the NAFTA parties, and

   (B) the visible lining fabric listed in chapter rule 1 for chapter 62 satisfies the tariff change requirements provided therein.

2. A change to subheading 6201.19 from any other chapter, except from headings 5106 through 5113, 5204 through 5212, 5307 through 5308 or 5310 through 5311, chapter 54, or headings 5508 through 5516, 5801 through 5802 or 6001 through 6002, provided that the good is both cut and sewn or otherwise assembled in the territory of one or more of the NAFTA parties.

3. A change to subheadings 6201.91 through 6201.93 from any other chapter, except from headings 5106 through 5113, 5204 through 5212, 5307 through 5308 or 5310 through 5311, chapter 54, or headings 5508 through 5516, 5801 through 5802 or 6001 through 6002, provided that:

   (A) the good is both cut and sewn or otherwise assembled in the territory of one or more of the NAFTA parties, and

   (B) the visible lining fabric listed in chapter rule 1 for chapter 62 satisfies the tariff change requirements provided therein.

4. A change to subheading 6201.99 from any other chapter, except from headings 5106 through 5113, 5204 through 5212, 5307 through 5308 or 5310 through 5311, chapter 54, or headings 5508 through 5516, 5801 through 5802 or 6001 through 6002, provided that the good is both cut and sewn or otherwise assembled in the territory of one or more of the NAFTA parties.

5. A change to subheadings 6202.11 through 6202.13 from any other chapter, except from headings 5106 through 5113, 5204 through 5212, 5307 through 5308 or 5310 through 5311, chapter 54, or heading 5508 through 5516, 5801 through 5802 or 6001 through 6002, provided that:

   (A) the good is both cut and sewn or otherwise assembled in the territory of one or more of the NAFTA parties, and

   (B) the visible lining fabric listed in chapter rule 1 for chapter 62 satisfies the tariff change requirements provided therein.

6. A change to subheading 6202.19 from any other chapter, except from headings 5106 through 5113, 5204 through 5212, 5307 through 5308 or 5310 through 5311, chapter 54, or headings 5508 through 5516, 5801 through 5802 or 6001 through 6002, provided that the good is both

cut and sewn or otherwise assembled in the territory of one or more of the NAFTA parties.

7. A change to subheadings 6202.91 through 6202.93 from any other chapter, except from headings 5106 through 5113, 5204 through 5212, 5307 through 5308 or 5310 through 5311, chapter 54, or headings 5508 through 5516, 5801 through 5802 or 6001 through 60.02, provided that:

   (A) the good is both cut and sewn or otherwise assembled in the territory of one or more of the NAFTA parties, and

   (B) the visible lining fabric listed in chapter rule 1 for chapter 62 satisfies the tariff change requirements provided therein.

8. A change to subheading 6202.99 from any other chapter, except from headings 5106 through 5113, 5204 through 5212, 5307 through 5308 or 5310 through 5311, chapter 54, or headings 5508 through 5516, 5801 through 5802 or 6001 through 6002, provided that the good is both cut and sewn or otherwise assembled in the territory of one or more of the NAFTA parties.

9. A change to subheadings 6203.11 through 6203.12 from any other chapter, except from headings 5106 through 5113, 5204 through 5212, 5307 through 5308 or 5310 through 5311, chapter 54, or headings 5508 through 5516, 5801 through 5802 or 6001 through 6002, provided that:

   (A) the good is both cut and sewn or otherwise assembled in the territory of one or more of the NAFTA parties, and

   (B) the visible lining fabric listed in chapter rule 1 for chapter 62 satisfies the tariff change requirements provided therein.

10. A change to tariff item 6203.19.40 from any other chapter, except from headings 5106 through 5113, 5204 through 5212, 5307 through 5308 or 5310 through 5311, chapter 54, or headings 5508 through 5516, 5801 through 5802 or 6001 through 6002, provided that the good is both cut and sewn or otherwise assembled in the territory of one or more of the NAFTA parties.

11. A change to subheading 6203.19 from any other chapter, except from headings 5106 through 5113, 5204 through 5212, 5307 through 5308 or 5310 through 5311, chapter 54, or headings 5508 through 5516, 5801 through 5802 or 6001 through 6002, provided that:

    (A) the good is both cut and sewn or otherwise assembled in the territory of one or more of the NAFTA parties, and

    (B) the visible lining fabric listed in chapter rule 1 for chapter 62 satisfies the tariff change requirements provided therein.

12. A change to subheadings 6203.21 through 6203.29 from any other chapter, except from headings 5106 through 5113, 5204 through 5212, 5307 through 5308 or 5310 through 5311, chapter 54, or headings 5508 through 5516, 5801 through 5802 or 6001 through 6002, provided that:

    (A) the good is both cut and sewn or otherwise assembled in the territory of one or more of the NAFTA parties, and

    (B) with respect to a garment described in heading 6201 or a jacket or a blazer described in heading 6203, of wool, fine animal hair, cotton or man-made fibers, imported as part of an ensemble of these subheadings, the visible lining fabric listed in chapter rule 1 for chapter 62 satisfies the tariff change requirements provided therein.

13. A change to subheadings 6203.31 through 6203.33 from any other chapter, except from headings 5106 through 5113, 5204 through 5212, 5307 through 5308 or 5310 through 5311, chapter 54, or headings 5508 through 5516, 5801 through 5802 or 6001 through 6002, provided that:

    (A) the good is both cut and sewn or otherwise assembled in the territory of one or more of the NAFTA parties, and

    (B) the visible lining fabric listed in chapter rule 1 for chapter 62 satisfies the tariff change requirements provided therein.

14. A change to tariff item 6203.39.40 from any other chapter, except from headings 5106 through 5113, 5204 through 5212, 5307 through 5308 or 5310 through 5311, chapter 54, or headings 5508 through 5516, 5801 through 5802 or 6001 through 6002, provided that the good is both cut and sewn or otherwise assembled in the territory of one or more of the NAFTA parties.

15. A change to subheading 6203.39 from any other chapter, except from headings 5106 through 5113, 5204 through 5212, 5307 through 5308 or 5310 through 5311, chapter 54, or headings 5508 through 5516, 5801 through 5802 or 6001 through 6002, provided that:

    (A) the good is both cut and sewn or otherwise assembled in the territory of one or more of the NAFTA parties, and

    (B) the visible lining fabric listed in chapter rule 1 for chapter 62 satisfies the tariff change requirements provided therein.

16. A change to subheadings 6203.41 through 6203.49 from any other chapter, except from headings 5106 through 5113, 5204 through 5212, 5307 through 5308 or 5310 through 5311, chapter 54, or headings 5508 through 5516, 5801 through 5802 or 6001 through 6002, provided that the good is both cut and sewn or otherwise assembled in the territory of one or more of the NAFTA parties.

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17. A change to subheadings 6204.11 through 6204.13 from any other chapter, except from headings 5106 through 5113, 5204 through 5212, 5307 through 5308 or 5310 through 5311, chapter 54, or headings 5508 through 5516, 5801 through 5802 or 6001 through 6002, provided that:

    (A) the good is both cut and sewn or otherwise assembled in the territory of one or more of the NAFTA parties, and

    (B) the visible lining fabric listed in chapter rule 1 for chapter 62 satisfies the tariff change requirements provided therein.

18. A change to tariff item 6204.19.30 from any other chapter, except from headings 5106 through 5113, 5204 through 5212, 5307 through 5308 or 5310 through 5311, chapter 54, or headings 5508 through 5516, 5801 through 5802 or 6001 through 6002, provided that the good is both cut and sewn or otherwise assembled in the territory of one or more of the NAFTA parties.

19. A change to subheading 6204.19 from any other chapter, except from headings 5106 through 5113, 5204 through 5212, 5307 through 5308 or 5310 through 5311, chapter 54, or headings 5508 through 5516, 5801 through 5802 or 6001 through 6002, provided that:

    (A) the good is both cut and sewn or otherwise assembled in the territory of one or more of the NAFTA parties, and

    (B) the visible lining fabric listed in chapter rule 1 for chapter 62 satisfies the tariff change requirements provided therein.

20. A change to subheadings 6204.21 through 6204.29 from any other chapter, except from headings 5106 through 5113, 5204 through 5212, 5307 through 5308 or 5310 through 5311, chapter 54, or headings 5508 through 5516, 5801 through 5802 or 6001 through 6002, provided that:

    (A) the good is both cut and sewn or otherwise assembled in the territory of one or more of the NAFTA parties, and

    (B) with respect to a garment described in heading 6202, a jacket or a blazer described in heading 6204, or a skirt described in heading 6204, of wool, fine animal hair, cotton or man-made fibers, imported as part of an ensemble of these subheadings, the visible lining fabric listed in chapter rule 1 for chapter 62 satisfies the tariff change requirements provided therein.

21. A change to subheadings 6204.31 through 6204.33 from any other chapter, except from headings 5106 through 5113, 5204 through 5212, 5307 through 5308 or 5310 through 5311, chapter 54, or headings 5508 through 5516, 5801 through 5802 or 6001 through 6002, provided that:

    (A) the good is both cut and sewn or otherwise assembled in the territory of one or more of the NAFTA parties, and

(B) the visible lining fabric listed in chapter rule 1 for chapter 62 satisfies the tariff change requirements provided therein.

22. A change to tariff items 6204.39.60 or 6204.39.80 from any other chapter, except from headings 5106 through 5113, 5204 through 5212, 5307 through 5308 or 5310 through 5311, chapter 54, or headings 5508 through 5516, 5801 through 5802 or 6001 through 6002, provided that the good is both cut and sewn or otherwise assembled in the territory of one or more of the NAFTA parties.

23. A change to subheading 6204.39 from any other chapter, except from headings 5106 through 5113, 5204 through 5212, 5307 through 5308 or 5310 through 5311, chapter 54, or headings 5508 through 5516, 5801 through 5802 or 6001 through 6002, provided that:

(A) the good is both cut and sewn or otherwise assembled in the territory of one or more of the NAFTA parties, and

(B) the visible lining fabric listed in chapter rule 1 for chapter 62 satisfies the tariff change requirements provided therein.

24. A change to subheadings 6204.41 through 6204.49 from any other chapter, except from headings 5106 through 5113, 5204 through 5212, 5307 through 5308 or 5310 through 5311, chapter 54, or headings 5508 through 5516, 5801 through 5802 or 6001 through 6002, provided that the good is both cut and sewn or otherwise assembled in the territory of one or more of the NAFTA parties.

25. A change to subheadings 6204.51 through 6204.53 from any other chapter, except from headings 5106 through 5113, 5204 through 5212, 5307 through 5308 or 5310 through 5311, chapter 54, or headings 5508 through 5516, 5801 through 5802 or 6001 through 6002, provided that:

(A) the good is both cut and sewn or otherwise assembled in the territory of one or more of the NAFTA parties, and

(B) the visible lining fabric listed in chapter rule 1 for chapter 62 satisfies the tariff change requirements provided therein.

26. A change to tariff item 6204.59.40 from any other chapter, except from headings 5106 through 5113, 5204 through 5212, 5307 through 5308 or 5310 through 5311, chapter 54, or headings 5508 through 5516, 5801 through 5802 or 6001 through 6002, provided that the good is both cut and sewn or otherwise assembled in the territory of one or more of the NAFTA parties.

27. A change to subheading 6204.59 from any other chapter, except from headings 5106 through 5113, 5204 through 5212, 5307 through 5308 or 5310 through 5311, chapter 54, or headings 5508 through 5516, 5801 through 5802 or 6001 through 6002, provided that:

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(A) the good is both cut and sewn or otherwise assembled in the territory of one or more of the NAFTA parties, and

(B) the visible lining fabric listed in chapter rule 1 for chapter 62 satisfies the tariff change requirements provided therein.

28. A change to subheadings 6204.61 through 6204.69 from any other chapter, except from headings 5106 through 5113, 5204 through 5212, 5307 through 5308 or 5310 through 5311, chapter 54, or headings 5508 through 5516, 5801 through 5802 or 6001 through 6002, provided that the good is both cut and sewn or otherwise assembled in the territory of one or more of the NAFTA parties.

29. A change to subheading 6205.10 from any other chapter, except from headings 5106 through 5113, 5204 through 5212, 5307 through 5308 or 5310 through 5311, chapter 54, or headings 5508 through 5516, 5801 through 5802 or 6001 through 6002, provided that the good is both cut and sewn or otherwise assembled in the territory of one or more of the NAFTA parties.

Subheading rule: Men's or boys' shirts of cotton (subheading 6205.20) or of man-made fibers (subheading 6205.30) shall be considered to originate if they are both cut and assembled in the territory of one or more of the Parties and if the fabric of the outer shell, exclusive of collars or cuffs, is wholly of one or more of the following:

(a) Fabrics of subheadings 5208.21, 5208.22, 5208.29, 5208.31, 5208.32, 5208.39, 5208.41, 5208.42, 5208.49, 5208.51, 5208.52 or 5208.59, of average yarn number exceeding 135 metric;

(b) Fabrics of subheadings 5513.11 or 5513.21, not of square construction, containing more than 70 warp ends and filling picks per square centimeter, of average yarn number exceeding 70 metric;

(c) Fabrics of subheadings 5210.21 or 5210.31, not of square construction, containing more than 70 warp ends and filling picks per square centimeter, of average yarn number exceeding 70 metric;

(d) Fabrics of subheadings 5208.22 or 5208.32, not of square construction, containing more than 75 warp ends and filling picks per square centimeter, of average yarn number exceeding 65 metric;

(e) Fabrics of subheadings 5407.81, 5407.82 or 5407.83, weighing less than 170 grams per square meter, having a dobby weave created by a dobby attachment;

(f) Fabrics of subheadings 5208.42 or 5208.49, not of square construction, containing more than 85 warp ends and filling

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picks per square centimeter, of average yarn number exceeding 85 metric;

(g) Fabrics of subheading 5208.51, of square construction, containing more than 75 warp ends and filling picks per square centimeter, made with single yarns, of average yarn number 95 or greater metric;

(h) Fabrics of subheading 5208.41, of square construction, with a gingham pattern, containing more than 85 warp ends and filling picks per square centimeter, made with single yarns, of average yarn number 95 or greater metric, and characterized by a check effect produced by the variation in color of the yarns in the warp and filling; or

(i) Fabrics of subheading 5208.41, with the warp colored with vegetable dyes, and the filling yarns white or colored with vegetable dyes, of average yarn number greater than 65 metric.

30. A change to subheadings 6205.20 through 6205.30 from any other chapter, except from headings 5106 through 5113, 5204 through 5212, 5307 through 5308 or 5310 through 5311, chapter 54, or headings 5508 through 5516, 5801 through 5802 or 6001 through 6002, provided that the good is both cut and sewn or otherwise assembled in the territory of one or more of the NAFTA parties.

31. A change to subheading 6205.90 from any other chapter, except from headings 5106 through 5113, 5204 through 5212, 5307 through 5308 or 5310 through 5311, chapter 54, or headings 5508 through 5516, 5801 through 5802 or 6001 through 6002, provided that the good is both cut and sewn or otherwise assembled in the territory of one or more of the NAFTA parties.

32. A change to headings 6206 through 6210 from any other chapter, except from headings 5106 through 5113, 5204 through 5212, 5307 through 5308 or 5310 through 5311, chapter 54, or headings 5508 through 5516, 5801 through 5802 or 6001 through 6002, provided that the good is both cut and sewn or otherwise assembled in the territory of one or more of the NAFTA parties.

33. A change to subheadings 6211.11 through 6211.12 from any other chapter, except from headings 5106 through 5113, 5204 through 5212, 5307 through 5308 or 5310 through 5311, chapter 54, or headings 5508 through 5516, 5801 through 5802 or 6001 through 6002, provided that the good is both cut and sewn or otherwise assembled in the territory of one or more of the NAFTA parties.

34. A change to subheading 6211.20 from any other chapter, except from headings 5106 through 5113, 5204 through 5212, 5307 through 5308 or 5310 through 5311, chapter 54, or headings 5508 through 5516, 5801 through 5802 or 6001 through 6002, provided that:

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(A) the good is both cut and sewn or otherwise assembled in the territory of one or more of the NAFTA parties, and

(B) with respect to a garment described in heading 6101, 6102, 6201 or 6202, of wool, fine animal hair, cotton or man-made fibers, imported as part of a ski-suit of this subheading, the visible lining fabric listed in chapter rule 1 for chapter 62 satisfies the tariff change requirements provided therein.

35. A change to subheadings 6211.31 through 6211.49 from any other chapter, except from headings 5106 through 5113, 5204 through 5212, 5307 through 5308 or 5310 through 5311, chapter 54, or headings 5508 through 5516, 5801 through 5802 or 6001 through 6002, provided that the good is both cut and sewn or otherwise assembled in the territory of one or more of the NAFTA parties.

36. A change to subheading 6212.10 from any other chapter, provided that the good is both cut and sewn or otherwise assembled in the territory of one or more of the NAFTA parties.

37. A change to subheadings 6212.20 through 6212.90 from any other chapter, except from headings 5106 through 5113, 5204 through 5212, 5307 through 5308 or 5310 through 5311, chapter 54, or headings 5508 through 5516, 5801 through 5802 or 6001 through 6002, provided that the good is both cut and sewn or otherwise assembled in the territory of one or more of the NAFTA parties.

38. A change to headings 6213 through 6217 from any other chapter, except from headings 5106 through 5113, 5204 through 5212, 5307 through 5308 or 5310 through 5311, chapter 54, or headings 5508 through 5516, 5801 through 5802 or 6001 through 6002, provided that the good is both cut and sewn or otherwise assembled in the territory of one or more of the NAFTA parties.

Chapter 63.

Chapter rule 1: For purposes of determining the origin of a good of this chapter, the rule applicable to that good shall only apply to the component that determines the tariff classification of the good and such component must satisfy the tariff change requirements set out in the rule for that good.

1. A change to headings 6301 through 6302 from any other chapter, except from headings 5106 through 5113, 5204 through 5212, 5307 through 5308 or 5310 through 5311, chapters 54 through 55, or headings 5801 through 5802 or 6001 through 6002, provided that the good is both cut (or knit to shape) and sewn or otherwise assembled in the territory of one or more of the NAFTA parties.

2. A change to tariff item 6303.92.10 from tariff items 5402.43.10 or 5402.52.10 or any other chapter, except from headings 5106 through

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5113, 5204 through 5212, 5307 through 5308 or 5310 through 5311, chapters 54 through 55, or headings 5801 through 5802 or 6001 through 6002, provided that the good is both cut and sewn or otherwise assembled in the territory of one or more of the NAFTA parties.

3. A change to heading 6303 from any other chapter, except from headings 5106 through 5113, 5204 through 5212, 5307 through 5308 or 5310 through 5311, chapters 54 through 55, or headings 5801 through 5802 or 6001 through 6002, provided that the good is both cut (or knit to shape) and sewn or otherwise assembled in the territory of one or more of the NAFTA parties.

4. A change to headings 6304 through 6310 from any other chapter, except from headings 5106 through 5113, 5204 through 5212, 5307 through 5308 or 5310 through 5311, chapters 54 through 55, or headings 5801 through 5802 or 6001 through 6002, provided that the good is both cut (or knit to shape) and sewn or otherwise assembled in the territory of one or more of the NAFTA parties.

Chapter 64.

1. A change to headings 6401 through 6405 from any heading outside that group, except from subheading 6406.10, provided there is a regional value content of not less than 55 percent under the net cost method.

2. A change to subheading 6406.10 from any other subheading, except from headings 6401 through 6405, provided there is a regional value content of not less than 55 percent under the net cost method.

3. A change to subheadings 6406.20 through 6406.99 from any other chapter.

Chapter 65.

1. A change to headings 6501 through 6502 from any other chapter.

2. A change to headings 6503 through 6507 from any heading outside that group.

Chapter 66.

1. A change to heading 6601 from any other heading, except from a combination of both:

   (A) subheading 6603.20; and

   (B) headings 3920 through 3921, 5007, 5111 through 5113, 5208 through 5212, 5309 through 5311, 5407 through 5408, 5512 through 5516, 5602 through 5603, 5801 through 5811, 5901 through 5911 or 6001 through 6002.

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2. A change to heading 6602 from any other heading.

3. A change to heading 6603 from any other chapter.

Chapter 67.

1. A change to tariff item 6701.00.30 from any other tariff item.

2. A change to heading 6701 from any other chapter.

3. A change to heading 6702 from any other heading.

4. A change to heading 6703 from any other chapter.

5. A change to heading 6704 from any other heading.

Chapter 68.

1. A change to headings 6801 through 6811 from any other chapter.

2. A change to subheading 6812.10 from any other chapter.

3. A change to subheading 6812.20 from any other subheading.

4. A change to subheadings 6812.30 through 6812.40 from other subheading outside that group.

5. A change to subheading 6812.50 from any other subheading.

6. A change to subheadings 6812.60 through 6812.90 from any subheading outside that group.

7. A change to heading 6813 from any other heading.

8. A change to headings 6814 through 6815 from any other chapter.

Chapter 69. A change to headings 6901 through 6914 from any other chapter.

Chapter 70.

1. A change to headings 7001 through 7002 from any other chapter.

2. A change to headings 7003 through 7009 from any heading outside that group.

3. A change to headings 7010 through 7020 from any other heading, except from headings 7007 through 7020.

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Chapter 71.

1. A change to headings 7101 through 7112 from any other chapter.

Heading rule: For the purposes of headings 7113 through 7118, pearls, temporarily or permanently strung but without the addition of clasps or other ornamental features of precious metals or stones, shall be treated as an originating good only if the pearls were obtained in the territory of one or more of the NAFTA parties.

2. A change to headings 7113 through 7118 from any heading outside that group.

Chapter 72.

1. A change to heading 7201 from any other chapter.

2. A change to subheadings 7202.11 through 7202.60 from any other chapter.

3. A change to subheading 7202.70 from any other chapter, except from subheading 2613.10.

4. A change to subheadings 7202.80 through 7202.99 from any other chapter.

5. A change to headings 7203 through 7205 from any other chapter.

6. A change to headings 7206 through 7207 from any heading outside that group.

7. A change to headings 7208 through 7216 from any heading outside that group.

8. A change to heading 7217 from any other heading, except from headings 7213 through 7215.

9. A change to headings 7218 through 7222 from any heading outside that group.

10. A change to heading 7223 from any other heading, except from headings 7221 through 7222.

11. A change to headings 7224 through 7228 from any heading outside that group.

12. A change to heading 7229 from any other heading, except from headings 7227 through 7228.

Chapter 73.

1. A change to headings 7301 through 7303 from any other chapter.

2. A change to subheadings 7304.10 through 7304.39 from any other chapter.

3. A change to tariff item 7304.41.30 from subheading 7304.49 or any other chapter.

4. A change to subheading 7304.41 from any other chapter.

5. A change to subheadings 7304.49 through 7304.90 from any other chapter.

6. A change to headings 7305 through 7307 from any other chapter.

7. A change to heading 7308 from any other heading, except for changes resulting from the following processes performed on angles, shapes, or sections of heading 7216:

   (A) drilling, punching, notching, cutting, cambering, or sweeping, whether performed individually or in combination;

   (B) adding attachments or weldments for composite construction;

   (C) adding attachments for handling purposes;

   (D) adding weldments, connectors or attachments to H-sections or I-sections; provided that the maximum dimension of the weldments, connectors, or attachments is not greater than the dimension between the inner surfaces of the flanges of the H-sections or I-sections;

   (E) painting, galvanizing, or otherwise coating; or

   (F) adding a simple base plate without stiffening elements, individually or in combination with drilling, punching, notching, or cutting, to create an article suitable as a column.

8. A change to headings 7309 through 7311 from any heading outside that group.

9. A change to headings 7312 through 7314 from any other heading, including another heading within that group.

10. (A) A change to subheadings 7315.11 through 7315.12 from any other heading; or

    (B) A change to subheadings 7315.11 through 7315.12 from subheading 7315.19, whether or not there is also a change from any other

heading, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

11. A change to subheading 7315.19 from any other heading.

12.(A) A change to subheadings 7315.20 through 7315.89 from any other heading; or

(B) A change to subheadings 7315.20 through 7315.89 from subheading 7315.90, whether or not there is also a change from any other heading, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

13. A change to subheading 7315.90 from any other heading.

14. A change to heading 7316 from any other heading, except from headings 7312 or 7315.

15. A change to headings 7317 through 7318 from any heading outside that group.

16. A change to headings 7319 through 7320 from any heading outside that group.

17. A change to tariff item 7321.11.30 from any other subheading, except from tariff items 7321.90.10, 7321.90.20 or 7321.90.40.

18.(A) A change to subheading 7321.11 from any other heading; or

(B) A change to subheading 7321.11 from subheading 7321.90, whether or not there is also a change from any other heading, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

19.(A) A change to subheadings 7321.12 through 7321.83 from any other heading; or

(B) A change to subheadings 7321.12 through 7321.83 from subheading 7321.90, whether or not there is also a change from any other

heading, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

20. A change to tariff item 7321.90.10 from any other tariff item.

21. A change to tariff item 7321.90.20 from any other tariff item.

22. A change to tariff item 7321.90.40 from any other tariff item.

23. A change to subheading 7321.90 from any other heading.

24. A change to headings 7322 through 7323 from any heading outside that group.

25.(A) A change to subheadings 7324.10 through 7324.29 from any other heading; or

(B) A change to subheadings 7324.10 through 7324.29 from subheading 7324.90, whether or not there is also a change from any other heading, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

26. A change to subheading 7324.90 from any other heading.

27. A change to headings 7325 through 7326 from any other heading outside that group.

<u>Chapter 74</u>.

1. A change to headings 7401 through 7402 from any other chapter.

2.(A) A change to heading 7403 from any other chapter; or

(B) A change to heading 7403 from headings 7401 or 7402 or tariff item 7404.00.30, whether or not there is also a change from any other chapter, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

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3. No required change in tariff classification to heading 7404, provided the waste and scrap are wholly obtained or produced entirely in the territory of one or more of the NAFTA parties.

4.(A) A change to headings 7405 through 7407 from any other chapter; or

(B) A change to headings 7405 through 7407 from headings 7401 or 7402 or tariff item 7404.00.30, whether or not there is also a change from any other chapter, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

5.(A) A change to tariff item 7408.11.60 from any other chapter; or

(B) A change to tariff item 7408.11.60 from headings 7401 or 7402 or tariff item 7404.00.30, whether or not there is also a change from any other chapter, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

6. A change to subheading 7408.11 from any other heading, except from heading 7407.

7. A change to subheadings 7408.19 through 7408.29 from any other heading, except from heading 7407.

8. A change to heading 7409 from any other heading.

9. A change to heading 7410 from any other heading, except from heading 7409.

10. A change to heading 7411 from any other heading, except from tariff items 7407.10.15, 7407.21.15, 7407.22.15 or 7407.29.15, or heading 7409.

11. A change to heading 7412 from any other heading, except from heading 7411.

12.(A) A change to heading 7413 from any other heading, except from headings 7407 through 7408; or

(B) A change to heading 7413 from headings 7407 through 7408, whether or not there is also a change from any other heading, provided there is a regional value content of not less than:

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(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

13. A change to headings 7414 through 7418 from any other heading, including another heading within that group.

14. A change to subheading 7419.10 from any other heading, except from heading 7407.

15. A change to subheadings 7419.91 through 7419.99 from any other heading.

Chapter 75.

1. A change to headings 7501 through 7504 from any other chapter.

2. A change to heading 7505 from any other heading.

3. A change to tariff item 7506.10.45 from any other tariff item.

4. A change to tariff item 7506.20.45 from any other tariff item.

5. A change to heading 7506 from any other heading.

6. A change to headings 7507 through 7508 from any heading outside that group.

Chapter 76.

1. A change to headings 7601 through 7603 from any other chapter.

2. A change to headings 7604 through 7606 from any heading outside that group.

3. A change to heading 7607 from any other heading.

4. A change to headings 7608 through 7609 from any heading outside that group.

5. A change to headings 7610 through 7613 from any other heading, including another heading within that group.

6. A change to heading 7614 from any other heading, except from headings 7604 through 7605.

7. A change to headings 7615 through 7616 from any other heading, including another heading within that group.

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Chapter 78.

1. A change to headings 7801 through 7802 from any other chapter.

2.(A) A change to headings 7803 through 7806 from any other chapter; or

(B) A change to headings 7803 through 7806 from any other heading within chapter 78, including another heading within that group, whether or not there is also a change from any other chapter, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

Chapter 79.

1. A change to headings 7901 through 7903 from any other chapter.

2.(A) A change to headings 7904 through 7907 from any other chapter; or

(B) A change to headings 7904 through 7907 from any other heading within chapter 79, including another heading within that group, whether or not there is also a change from any other chapter, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

Chapter 80.

1. A change to headings 8001 through 8002 from any other chapter.

2. A change to headings 8003 through 8004 from any heading outside that group.

3. A change to headings 8005 through 8007 from any heading outside that group.

Chapter 81.

1. A change to subheadings 8101.10 through 8101.91 from any other chapter.

2. A change to subheading 8101.92 from any other subheading.

3. A change to subheading 8101.93 from any other chapter.

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4. A change to subheading 8101.99 from any other subheading.

5. A change to subheadings 8102.10 through 8102.91 from any other chapter.

6. A change to subheading 8102.92 from any other subheading.

7. A change to subheading 8102.93 from any other subheading, except from tariff item 8102.92.30.

8. A change to subheading 8102.99 from any other subheading.

9. A change to subheading 8103.10 from any other chapter.

10. A change to subheading 8103.90 from any other subheading.

11. A change to subheadings 8104.11 through 8104.30 from any other chapter.

12. A change to subheading 8104.90 from any other subheading.

13. A change to subheading 8105.10 from any other chapter.

14. A change to subheading 8105.90 from any other subheading.

15. A change to heading 8106 from any other chapter.

16. A change to subheading 8107.10 from any other chapter.

17. A change to subheading 8107.90 from any other subheading.

18. A change to subheading 8108.10 from any other chapter.

19. A change to subheading 8108.90 from any other subheading.

20. A change to subheading 8109.10 from any other chapter.

21. A change to subheading 8109.90 from any other subheading.

22. A change to heading 8110 from any other chapter.

23. A change to tariff item 8111.00.60 from any other tariff item.

24. A change to heading 8111 from any other chapter.

25. A change to heading 8112 through 8113 from any other chapter.

Chapter 82. A change to headings 8201 through 8215 from any other chapter.

Chapter 83.

1.(A) A change to subheadings 8301.10 through 8301.50 from any chapter; or

(B) A change to subheadings 8301.10 through 8301.50 from subheading 8301.60, whether or not there is also a change from any other chapter, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

2. A change to subheadings 8301.60 through 8301.70 from any other chapter.

3. A change to headings 8302 through 8304 from any other heading, including another heading within that group.

4.(A) A change to subheadings 8305.10 through 8305.20 from any other chapter; or

(B) A change to subheadings 8305.10 through 8305.20 from subheading 8305.90, whether or not there is also a change from any other chapter, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

5. A change to subheading 8305.90 from any other heading.

6. A change to headings 8306 through 8307 from any other chapter.

7.(A) A change to subheadings 8308.10 through 8308.20 from any other chapter; or

(B) A change to subheadings 8308,10 through 8308.20 from subheading 8308.90, whether or not there is also a change from any other chapter, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

8. A change to subheading 8308.90 from any other heading.

9. A change to headings 8309 through 8310 from any other chapter.

10.(A) A change to subheadings 8311.10 through 8311.30 from any other chapter; or

(B) A change to subheadings 8311.10 through 8311.30 from subheading 8311.90, whether or not there is also a change from any other chapter, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

11. A change to subheading 8311.90 from any other heading.

Chapter 84.

Chapter rule 1: For purposes of this chapter, the term, "printed circuit assembly", means a good consisting of one or more printed circuits of heading 8534 with one or more active elements assembled thereon, with or without passive elements. For purposes of this rule, "active elements" means diodes, transistors and similar semiconductor devices, whether or not photosensitive, of heading 8541, and integrated circuits and microassemblies of heading 8542.

Chapter rule 2: Tariff items 8473.30.30 and 8473.30.60 cover the following parts for printers of subheading 8471.92:

(a) control or command assemblies, incorporating more than one of the following: printed circuit assembly; hard or flexible (floppy) disc drive; keyboard; user interface;

(b) light source assemblies, incorporating more than one of the following: light emitting diode assembly; gas laser; mirror polygon assembly; base casting;

(c) laser imaging assemblies, incorporating more than one of the following: photoreceptor belt or cylinder; toner receptacle unit; toner developing unit; charge/discharge unit; cleaning unit;

(d) image fixing assemblies, incorporating more than one of the following: fuser; pressure roller; heating element; release oil dispenser; cleaning unit; electrical control;

(e) ink jet marking assemblies, incorporating more than one of the following: thermal print head; ink dispensing unit; nozzle and reservoir unit; ink heater;

(f) maintenance/sealing assemblies, incorporating more than one of the following: vacuum unit; ink jet covering unit; sealing unit; purging unit;

(g) paper handling assemblies, incorporating more than one of the following: paper transport belt; roller; print bar; carriage; gripper roller; paper storage unit; exit tray;

(h) thermal transfer imaging assemblies, incorporating more than one of the following: thermal print head; cleaning unit; supply or take-up roller;

(i) ionographic imaging assemblies, incorporating more than one of the following: ion generation and emitting unit; air assist unit; printed circuit assembly; charge receptor belt or cylinder; toner receptacle unit; toner distribution unit; developer receptacle and distribution unit; developing unit; charge/discharge unit; cleaning unit; or

(j) combinations of the above specified assemblies.

Chapter rule 3: For the purposes of the subdivisions pertaining to this chapter, whenever the subdivision designation is underscored, the provisions of subdivision (d) of this note may apply to goods for use in a motor vehicle of chapter 87.

1.(A) A change to subheadings 8401.10 through 8401.30 from any other heading; or

(B) A change to subheadings 8401.10 through 8401.30 from subheading 8401.40, whether or not there is also a change from any other heading, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

2. A change to subheading 8401.40 from any other heading.

3.(A) A change to subheadings 8402.11 through 8402.20 from any other heading; or

(B) A change to subheadings 8402.11 through 8402.20 from subheading 8402.90, whether or not there is also a change from any other heading, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

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4.(A) A change to subheading 8402.90 from any other heading; or

(B) No required change in tariff classification to subheading 8402.90, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

5.(A) A change to subheading 8403.10 from any other heading; or

(B) A change to subheading 8403.10 from subheading 8403.90, whether or not there is also a change from any other heading, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

6. A change to subheading 8403.90 from any other heading.

7.(A) A change to subheadings 8404.10 through 8404.20 from any other heading; or

(B) A change to subheadings 8404.10 through 8404.20 from subheading 8404.90, whether or not there is also a change from any other heading, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

8. A change to subheading 8404.90 from any other heading.

9.(A) A change to subheading 8405.10 from any other heading; or

(B) A change to subheading 8405.10 from subheading 8405.90, whether or not there is also a change from any other heading, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

10. A change to subheading 8405.90 from any other heading.

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11. A change to subheadings 8406.11 through 8406.19 from any subheading outside that group, except from tariff items 8406.90.20, 8406.90.40, 8406.90.50 or 8406.90.70.

12. A change to tariff items 8406.90.20 or 8406.90.50 from tariff items 8406.90.30 or 8406.90.60, or any other heading.

13. A change to tariff items 8406.90.40 or 8406.90.70 from any other tariff item.

14. A change to subheading 8406.90 from any other heading.

15. A change to headings 8407 through 8408 from any other heading, including another heading within that group, provided there is a regional value content of not less than:

(A) 60 percent where the transaction value method is used, or

(B) 50 percent where the net cost method is used.

16. A change to subheading 8409.10 from any other heading.

17.(A) A change to subheading 8409.91 from any other heading; or

(B) No required change in tariff classification to subheading 8409.91, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

18.(A) A change to subheading 8409.99 from any other heading; or

(B) No required change in tariff classification to subheading 8409.99, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

19.(A) A change to subheadings 8410.11 through 8410.13 from any other heading; or

(B) A change to subheadings 8410.11 through 8410.13 from subheading 8410.90, whether or not there is also a change from any other heading, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

20. A change to subheading 8410.90 from any other heading.

21.(A) A change to subheadings 8411.11 through 8411.82 from any other heading; or

(B) A change to subheadings 8411.11 through 8411.82 from subheadings 8411.91 through 8411.99, whether or not there is also a change from any other heading, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

22. A change to subheadings 8411.91 through 8411.99 from any other heading.

23.(A) A change to subheadings 8412.10 through 8412.80 from any other heading; or

(B) A change to subheadings 8412.10 through 8412.80 from subheading 8412.90, whether or not there is also a change from any other heading, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

24. A change to subheading 8412.90 from any other heading.

25.(A) A change to subheadings 8413.11 through 8413.82 from any other heading; or

(B) A change to subheadings 8413.11 through 8413.82 from subheadings 8413.91 through 8413.92, whether or not there is also a change from any other heading, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

26. A change to subheading 8413.91 from any other heading.

27.(A) A change to subheading 8413.92 from any other heading; or

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(B) No required change in tariff classification to subheading 8413.92, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

28.(A) A change to subheadings 8414.10 through 8414.20 from any other heading; or

(B) A change to subheadings 8414.10 through 8414.20 from subheading 8414.90, whether or not there is also a change from any other heading, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

29. A change to subheading 8414.30 from any other subheading, except from tariff item 8414.90.30.

Subheading rule: The underscoring of the designations in subdivision 30 pertains to goods provided for in subheading 8414.59 for use in a motor vehicle of chapter 87.

30.(A) A change to subheadings 8414.40 through 8414.80 from any other heading; or

(B) A change to subheadings 8414.40 through 8414.80 from subheading 8414.90, whether or not there is also a change from any other heading, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

31.(A) A change to subheading 8414.90 from any other heading; or

(B) No required change in tariff classification to subheading 8414.90, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

32. A change to subheading 8415.10 from any other subheading, except from tariff item 8415.90.40 or from assemblies incorporating more

than one of the following: compressor, condenser, evaporator, connecting tubing.

33.(A) A change to subheadings 8415.81 through 8415.83 from any subheading outside that group, except from tariff item 8415.90.40 or from assemblies incorporating more than one of the following: compressor, condenser, evaporator, connecting tubing; or

(B) A change to subheadings 8415.81 through 8415.83 from tariff item 8415.90.40 or from assemblies incorporating more than one of the following: compressor, condenser, evaporator, connecting tubing, whether or not there is also a change from any other subheading outside that group, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

34. A change to tariff item 8415.90.40 from any other tariff item.

35. A change to subheading 8415.90 from any other heading.

36.(A) A change to subheadings 8416.10 through 8416.30 from any other heading; or

(B) A change to subheadings 8416.10 through 8416.30 from subheading 8416.90, whether or not there is also a change from any other heading, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

37. A change to subheading 8416.90 from any other heading.

38.(A) A change to subheadings 8417.10 through 8417.80 from any other heading; or

(B) A change to subheadings 8417.10 through 8417.80 from subheading 8417.90, whether or not there is also a change from any other heading, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

39. A change to subheading 8417.90 from any other heading.

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40. A change to subheadings 8418.10 through 8418.21 from any subheading outside that group, except from subheading 8418.91 or tariff item 8418.99.40 or from assemblies incorporating more than one of the following: compressor, condenser, evaporator, connecting tubing.

41.(A) A change to subheading 8418.22 from any other heading; or

(B) A change to subheading 8418.22 from subheadings 8418.91 through 8418.99, whether or not there is also a change from any other heading, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

42. A change to subheadings 8418.29 through 8418.40 from any subheading outside that group, except from subheading 8418.91 or tariff item 8418.99.40 or from assemblies incorporating more than one of the following: compressor, condenser, evaporator, connecting tubing.

43.(A) A change to subheadings 8418.50 through 8418.69 from any other heading; or

(B) A change to subheadings 8418.50 through 8418.69 from subheadings 8418.91 through 8418.99, whether or not there is also a change from any other heading, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

44. A change to subheading 8418.91 from any other subheading.

45. A change to tariff item 8418.99.40 from any other tariff item.

46. A change to subheading 8418.99 from any other heading.

47.(A) A change to subheadings 8419.11 through 8419.89 from any other heading; or

(B) A change to subheadings 8419.11 through 8419.89 from subheading 8419.90, whether or not there is also a change from any other heading, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

48.(A) A change to subheading 8419.90 from any other heading; or

(B) No required change in tariff classification to subheading 8419.90, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

49.(A) A change to subheading 8420.10 from any other heading; or

(B) A change to subheading 8420.10 from subheadings 8420.91 through 8420.99, whether or not there is also a change from any other heading, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

50. A change to subheadings 8420.91 through 8420.99 from any other heading.

51.(A) A change to subheading 8421.11 from any other heading; or

(B) A change to subheading 8421.11 from subheading 8421.91, whether or not there is also a change from any other heading, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

52. A change to subheading 8421.12 from any other subheading, except from tariff items 8421.91.20, 8421.91.40 or 8537.10.30.

Subheading rule: The underscoring of the designations in subdivision 53 pertains to goods provided for in subheading 8421.39 for use in a motor vehicle of chapter 87.

<u>53.(A)</u> A change to subheadings 8421.19 through 8421.39 from any other heading; or

<u>(B)</u> A change to subheadings 8421.19 through 8421.39 from subheadings 8421.91 through 8421.99, whether or not there is also a change from any other heading, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

54. A change to tariff item 8421.91.20 from any other tariff item.

55. A change to tariff item 8421.91.40 from any other tariff item.

56. A change to subheading 8421.91 from any other heading.

57.(A) A change to subheading 8421.99 from any other heading; or

(B) No required change in tariff classification to subheading 8421.99, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

58. A change to subheading 8422.11 from any other subheading, except from tariff items 8422.90.02, 8422.90.04 or 8537.10.30 or from water circulation systems incorporating a pump, whether or not motorized, and auxiliary apparatus for controlling, filtering, or dispersing a spray.

59.(A) A change to subheadings 8422.19 through 8422.40 from any other heading; or

(B) A change to subheadings 8422.19 through 8422.40 from subheading 8422.90, whether or not there is also a change from any other heading, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

60. A change to tariff item 8422.90.02 from any other tariff item.

61. A change to tariff item 8422.90.04 from any other tariff item.

62. A change to subheading 8422.90 from any other heading.

63.(A) A change to subheadings 8423.10 through 8423.89 from any other heading; or

(B) A change to subheadings 8423.10 through 8423.89 from subheading 8423.90, whether or not there is also a change from any other heading, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

64. A change to subheading 8423.90 from any other heading.

65.(A) A change to subheadings 8424.10 through 8424.89 from any other heading; or

(B) A change to subheadings 8424.10 through 8424.89 from subheading 8424.90, whether or not there is also a change from any other heading, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

66. A change to subheading 8424.90 from any other heading.

67.(A) A change to headings 8425 through 8426 from any other heading, including another heading within that group, except from heading 8431; or

(B) A change to headings 8425 through 8426 from heading 8431, whether or not there is also a change from any other heading, including another heading within that group, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

68.(A) A change to tariff item 8427.10.40 from any other heading, except from subheadings 8431.20 or 8483.40 or heading 8501; or

(B) A change to tariff item 8427.10.40 from subheadings 8431.20 or 8483.40 or heading 8501, whether or not there is also a change from any other heading, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

69.(A) A change to subheading 8427.10 from any other heading, except from subheading 8431.20; or

(B) A change to subheading 8427.10 from subheading 8431.20, whether or not there is also a change from any other heading, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

70.(A) A change to tariff item 8427.20.40 from any other heading, except from headings 8407 or 8408 or subheadings 8431.20 or 8483.40; or

(B) A change to tariff item 8427.20.40 from headings 8407 or 8408 or subheadings 8431.20 or 8483.40, whether or not there is also a change from any other heading, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

71.(A) A change to subheading 8427.20 from any other heading, except from subheading 8431.20; or

(B) A change to subheading 8427.20 from subheading 8431.20, whether or not there is also a change from any other heading, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

72.(A) A change to subheading 8427.90 from any other heading, except from subheading 8431.20; or

(B) A change to subheading 8427.90 from subheading 8431.20, whether or not there is also a change from any other heading, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

73.(A) A change to headings 8428 through 8430 from any heading outside that group, except from heading 8431; or

(B) A change to headings 8428 through 8430 from heading 8431, whether or not there is also a change from any heading outside that group, provided there is a regional value content of not less than:

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(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

74.(A) A change to subheading 8431.10 from any other heading; or

(B) No required change in tariff classification to subheading 8431.10, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

75. A change to subheading 8431.20 from any other heading.

76.(A) A change to subheading 8431.31 from any other heading; or

(B) No required change in tariff classification to subheading 8431.31, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

77.(A) A change to subheading 8431.39 from any other heading; or

(B) No required change in tariff classification to subheading 8431.39, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

78. A change to subheadings 8431.41 through 8431.42 from any other heading.

79.(A) A change to subheading 8431.43 from any other heading; or

(B) No required change in tariff classification to subheading 8431.43, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

80.(A) A change to subheading 8431.49 from any other heading; or

(B) No required change in tariff classification to subheading 8431.49, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

81.(A) A change to subheadings 8432.10 through 8432.80 from any other heading; or

(B) A change to subheadings 8432.10 through 8432.80 from subheading 8432.90, whether or not there is also a change from any other heading, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

82. A change to subheading 8432.90 from any other heading.

83.(A) A change to subheadings 8433.11 through 8433.60 from any other heading; or

(B) A change to subheadings 8433.11 through 8433.60 from subheading 8433.90, whether or not there is also a change from any other heading, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

84. A change to subheading 8433.90 from any other heading.

85.(A) A change to subheadings 8434.10 through 8434.20 from any other heading; or

(B) A change to subheadings 8434.10 through 8434.20 from subheading 8434.90, whether or not there is also a change from any other heading, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

86. A change to subheading 8434.90 from any other heading.

87.(A) A change to subheading 8435.10 from any other heading; or

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(B) A change to subheading 8435.10 from subheading 8435.90, whether or not there is also a change from any other heading, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

88. A change to subheading 8435.90 from any other heading.

89.(A) A change to subheadings 8436.10 through 8436.80 from any other heading; or

(B) A change to subheadings 8436.10 through 8436.80 from subheadings 8436.91 through 8436.99, whether or not there is also a change from any other heading, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

90. A change to subheadings 8436.91 through 8436.99 from any other heading.

91.(A) A change to subheadings 8437.10 through 8437.80 from any other heading; or

(B) A change to subheadings 8437.10 through 8437.80 from subheading 8437.90, whether or not there is also a change from any other heading, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

92. A change to subheading 8437.90 from any other heading.

93.(A) A change to subheadings 8438.10 through 8438.80 from any other heading; or

(B) A change to subheadings 8438.10 through 8438.80 from subheading 8438.90, whether or not there is also a change from any other heading, provided there is a regional value content of not less than:

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(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

94. A change to subheading 8438.90 from any other heading.

95.(A) A change to subheadings 8439.10 through 8439.30 from any other heading; or

(B) A change to subheadings 8439.10 through 8439.30 from subheadings 8439.91 through 8439.99, whether or not there is also a change from any other heading, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

96. A change to subheadings 8439.91 through 8439.99 from any other heading.

97.(A) A change to subheading 8440.10 from any other heading; or

(B) A change to subheading 8440.10 from subheading 8440.90, whether or not there is also a change from any other heading, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

98. A change to subheading 8440.90 from any other heading.

99.(A) A change to subheadings 8441.10 through 8441.80 from any other heading; or

(B) A change to subheadings 8441.10 through 8441.80 from subheading 8441.90, whether or not there is also a change from any other heading, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

100.(A) A change to subheading 8441.90 from any other heading; or

(B) No required change in tariff classification to subheading 8441.90, provided there is a regional value content of not less than:

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(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

101. (A) A change to subheadings 8442.10 through 8442.30 from any other heading; or

(B) A change to subheadings 8442.10 through 8442.30 from subheadings 8442.40 through 8442.50, whether or not there is also a change from any other heading, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

102. A change to subheadings 8442.40 through 8442.50 from any other heading.

103. (A) A change to subheadings 8443.11 through 8443.50 from any other heading; or

(B) A change to subheadings 8443.11 through 8443.50 from subheadings 8443.60 or 8443.90, whether or not there is also a change from any other heading, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

104. (A) A change to subheading 8443.60 from any other heading; or

(B) A change to subheading 8443.60 from subheading 8443.90, whether or not there is also a change from any other heading, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

105. A change to subheading 8443.90 from any other heading.

106. (A) A change to headings 8444 through 8447 from any heading outside that group, except from heading 8448; or

(B) A change to headings 8444 through 8447 from heading 8448, whether or not there is also a change from any other heading, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

107.(A) A change to subheadings 8448.11 through 8448.19 from any other heading; or

(B) A change to subheadings 8448.11 through 8448.19 from subheadings 8448.20 through 8448.59, whether or not there is also a change from any other heading, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

108. A change to subheadings 8448.20 through 8448.59 from any other heading.

109. A change to heading 8449 from any other heading.

110. A change to subheadings 8450.11 through 8450.20 from any subheading outside that group, except from tariff items 8450.90.20, 8450.90.40 or 8537.10.30 or from washer assemblies incorporating more than one of the following: agitator, motor, transmission, clutch.

111. A change to tariff item 8450.90.20 from any other tariff item.

112. A change to tariff item 8450.90.40 from any other tariff item.

113. A change to subheading 8450.90 from any other heading.

114.(A) A change to subheading 8451.10 from any other heading; or

(B) A change to subheading 8451.10 from subheading 8451.90, whether or not there is also a change from any other heading, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

115. A change to subheadings 8451.21 through 8451.29 from any subheading outside that group, except from tariff items 8451.90.30 or 8451.90.60, or subheading 8537.10.

116.(A) A change to subheadings 8451.30 through 8451.80 from any other heading; or

(B) A change to subheadings 8451.30 through 8451.80 from subheading 8451.90, whether or not there is also a change from any other

heading, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

117. A change to tariff item 8451.90.30 from any other tariff item.

118. A change to tariff item 8451.90.60 from any other tariff item.

119. A change to subheading 8451.90 from any other heading.

120.(A) A change to subheadings 8452.10 through 8452.30 from any other heading; or

(B) A change to subheadings 8452.10 through 8452.30 from subheadings 8452.40 or 8452.90, whether or not there is also a change from any other heading, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

121. A change to subheadings 8452.40 through 8452.90 from any other heading.

122.(A) A change to subheadings 8453.10 through 8453.80 from any other heading; or

(B) A change to subheadings 8453.10 through 8453.80 from subheading 8453.90, whether or not there is also a change from any other heading, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

123. A change to subheading 8453.90 from any other heading.

124.(A) A change to subheadings 8454.10 through 8454.30 from any other heading; or

(B) A change to subheadings 8454.10 through 8454.30 from subheading 8454.90, whether or not there is also a change from any other heading, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

125. A change to subheading 8454.90 from any other heading.

126. A change to subheadings 8455.10 through 8455.22 from any subheading outside that group, except from tariff item 8455.90.40.

127.(A) A change to subheading 8455.30 from any other heading; or

(B) A change to subheading 8455.30 from subheading 8455.90, whether or not there is also a change from any other heading, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

128. A change to subheading 8455.90 from any other heading.

129. A change to subheading 8456.10 from any other heading, except from more than one of the following:

(A) tariff items 8466.93.15, 8466.93.30 or 8466.93.45,

(B) subheading 8537.10,

(C) subheading 9013.20.

130. A change to subheadings 8456.20 through 8456.90 from any other heading, except from more than one of the following:

(A) subheadings 8413.50 through 8413.60,

(B) tariff items 8466.93.15, 8466.93.30 or 8466.93.45,

(C) subheadings 8501.32 or 8501.52,

(D) subheading 8537.10.

131. A change to heading 8457 from any other heading, except from heading 8459 or more than one of the following:

(A) subheadings 8413.50 through 8413.60,

(B) tariff items 8466.93.15, 8466.93.30 or 8466.93.45,

(C) subheadings 8501.32 or 8501.52,

(D) subheading 8537.10.

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132. A change to subheading 8458.11 from any other heading, except from more than one of the following:

(A) subheadings 8413.50 through 8413.60,

(B) tariff items 8466.93.15, 8466.93.30 or 8466.93.45,

(C) subheadings 8501.32 or 8501.52,

(D) subheading 8537.10.

133. A change to subheading 8458.19 from any other heading, except from tariff items 8466.93.15, 8466.93.30 or 8466.93.45, or subheadings 8501.32 or 8501.52.

134. A change to subheading 8458.91 from any other heading, except from more than one of the following:

(A) subheadings 8413.50 through 8413.60,

(B) tariff items 8466.93.15, 8466.93.30 or 8466.93.45,

(C) subheadings 8501.32 or 8501.52,

(D) subheading 8537.10.

135. A change to subheading 8458.99 from any other heading, except from tariff items 8466.93.15, 8466.93.30 or 8466.93.45, or subheadings 8501.32 or 8501.52.

136. A change to subheading 8459.10 from any other heading, except from tariff items 8466.93.15, 8466.93.30 or 8466.93.45, or subheadings 8501.32 or 8501.52.

137.(A) A change to subheading 8459.21 from any other heading, except from more than one of the following:

(1) subheadings 8413.50 through 8413.60,

(2) tariff items 8466.93.15, 8466.93.30 or 8466.93.45,

(3) subheadings 8501.32 or 8501.52,

(4) subheading 8537.10; or

(B) A change to subheading 8459.21 from more than one of the following:

(1) subheadings 8413.50 through 8413.60,

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(2) tariff items 8466.93.15, 8466.93.30 or 8466.93.45,

(3) subheadings 8501.32 or 8501.52,

(4) subheading 8537.10,

(C) whether or not there is also a change from any other heading, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

138. A change to subheading 8459.29 from any other heading, except from tariff items 8466.93.15, 8466.93.30 or 8466.93.45, or subheadings 8501.32 or 8501.52.

139.(A) A change to subheading 8459.31 from any other heading, except from more than one of the following:

(1) subheadings 8413.50 through 8413.60,

(2) tariff items 8466.93.15, 8466.93.30 or 8466.93.45,

(3) subheadings 8501.32 or 8501.52,

(4) subheading 8537.10; or

(B) A change to subheading 8459.31 from more than one of the following:

(1) subheadings 8413.50 through 8413.60,

(2) tariff items 8466.93.15, 8466.93.30 or 8466.93.45,

(3) subheadings 8501.32 or 8501.52,

(4) subheading 8537.10,

(C) whether or not there is also a change from any other heading, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

140. A change to subheading 8459.39 from any other heading, except from tariff items 8466.93.15, 8466.93.30 or 8466.93.45, or subheadings 8501.32 or 8501.52.

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141.(A) A change to subheadings 8459.40 through 8459.51 from any other heading, except from more than one of the following:

(1) subheadings 8413.50 through 8413.60,

(2) tariff items 8466.93.15, 8466.93.30 or 8466.93.45,

(3) subheadings 8501.32 or 8501.52,

(4) subheading 8537.10; or

(B) A change to subheadings 8459.40 through 8459.51 from more than one of the following:

(1) subheadings 8413.50 through 8413.60,

(2) tariff items 8466.93.15, 8466.93.30 or 8466.93.45,

(3) subheadings 8501.32 or 8501.52,

(4) subheading 8537.10,

(C) whether or not there is also a change from any other heading, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

142. A change to subheading 8459.59 from any other heading, except from tariff items 8466.93.15, 8466.93.30 or 8466.93.45, or subheadings 8501.32 or 8501.52.

143.(A) A change to subheading 8459.61 from any other heading, except from more than one of the following:

(1) subheadings 8413.50 through 8413.60,

(2) tariff items 8466.93.15, 8466.93.30 or 8466.93.45,

(3) subheadings 8501.32 or 8501.52,

(4) subheading 8537.10; or

(B) A change to subheading 8459.61 from more than one of the following:

(1) subheadings 8413.50 through 8413.60,

(2) tariff items 8466.93.15, 8466.93.30 or 8466.93.45,

(3) subheadings 8501.32 or 8501.52,

(4) subheading 8537.10,

(C) whether or not there is also a change from any other heading, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

144. A change to subheading 8459.69 from any other heading, except from tariff items 8466.93.15, 8466.93.30 or 8466.93.45, or subheadings 8501.32 or 8501.52.

145.(A) A change to tariff item 8459.70.40 from any other heading, except from more than one of the following:

(1) subheadings 8413.50 through 8413.60,

(2) tariff items 8466.93.15, 8466.93.30 or 8466.93.45,

(3) subheadings 8501.32 or 8501.52,

(4) subheading 8537.10; or

(B) A change to tariff item 8459.70.40 from more than one of the following:

(1) subheadings 8413.50 through 8413.60,

(2) tariff items 8466.93.15, 8466.93.30 or 8466.93.45,

(3) subheadings 8501.32 or 8501.52,

(4) subheading 8537.10,

(C) whether or not there is also a change from any other heading, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

146. A change to subheading 8459.70 from any other heading, except from tariff items 8466.93.15, 8466.93.30 or 8466.93.45, or subheadings 8501.32 or 8501.52.

147. A change to subheading 8460.11 from any other heading, except from more than one of the following:

(A) subheadings 8413.50 through 8413.60,

(B) tariff items 8466.93.15, 8466.93.30 or 8466.93.45,

(C) subheadings 8501.32 or 8501.52,

(D) subheading 8537.10.

148. A change to subheading 8460.19 from any other heading, except from tariff items 8466.93.15, 8466.93.30 or 8466.93.45, or subheadings 8501.32 or 8501.52.

149. A change to subheading 8460.21 from any other heading, except from more than one of the following:

(A) subheadings 8413.50 through 8413.60,

(B) tariff items 8466.93.15, 8466.93.30 or 8466.93.45,

(C) subheadings 8501.32 or 8501.52,

(D) subheading 8537.10.

150. A change to subheading 8460.29 from any other heading, except from tariff items 8466.93.15, 8466.93.30 or 8466.93.45, or subheadings 8501.32 or 8501.52.

151. A change to subheading 8460.31 from any other heading, except from more than one of the following:

(A) subheadings 8413.50 through 8413.60,

(B) tariff items 8466.93.15, 8466.93.30 or 8466.93.45,

(C) subheadings 8501.32 or 8501.52,

(D) subheading 8537.10.

152. A change to subheading 8460.39 from any other heading, except from tariff items 8466.93.15, 8466.93.30 or 8466.93.45, or subheadings 8501.32 or 8501.52.

153. A change to tariff item 8460.40.40 from any other heading, except from more than one of the following:

(A) subheadings 8413.50 through 8413.60,

(B) tariff items 8466.93.15, 8466.93.30 or 8466.93.45,

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(C) subheadings 8501.32 or 8501.52,

(D) subheading 8537.10.

154. A change to subheading 8460.40 from any other heading, except from tariff items 8466.93.15, 8466.93.30 or 8466.93.45, or subheadings 8501.32 or 8501.52.

155. A change to tariff item 8460.90.40 from any other heading, except from more than one of the following:

(A) subheadings 8413.50 through 8413.60,

(B) tariff items 8466.93.15, 8466.93.30 or 8466.93.45,

(C) subheadings 8501.32 or 8501.52,

(D) subheading 8537.10.

156. A change to subheading 8460.90 from any other heading, except from tariff items 8466.93.15, 8466.93.30 or 8466.93.45, or subheadings 8501.32 or 8501.52.

157. A change to tariff item 8461.10.40 from any other heading, except from more than one of the following:

(A) subheadings 8413.50 through 8413.60,

(B) tariff items 8466.93.15, 8466.93.30 or 8466.93.45,

(C) subheadings 8501.32 or 8501.52,

(D) subheading 8537.10.

158. A change to subheading 8461.10 from any other heading, except from tariff items 8466.93.15, 8466.93.30 or 8466.93.45.

159. A change to tariff item 8461.20.40 from any other heading, except from more than one of the following:

(A) subheadings 8413.50 through 8413.60,

(B) tariff items 8466.93.15, 8466.93.30 or 8466.93.45,

(C) subheadings 8501.32 or 8501.52,

(D) subheading 8537.10.

160. A change to subheading 8461.20 from any other heading, except from tariff items 8466.93.15, 8466.93.30 or 8466.93.45.

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161. A change to tariff item 8461.30.40 from any other heading, except from more than one of the following:

(A) subheadings 8413.50 through 8413.60,

(B) tariff items 8466.93.15, 8466.93.30 or 8466.93.45,

(C) subheadings 8501.32 or 8501.52,

(D) subheading 8537.10.

162. A change to subheading 8461.30 from any other heading, except from tariff items 8466.93.15, 8466.93.30 or 8466.93.45.

163. A change to subheading 8461.40 from any other heading, except from tariff items 8466.93.15, 8466.93.30 or 8466.93.45.

164. A change to tariff item 8461.50.40 from any other heading, except from more than one of the following:

(A) subheadings 8413.50 through 8413.60,

(B) tariff items 8466.93.15, 8466.93.30 or 8466.93.45,

(C) subheadings 8501.32 or 8501.52,

(D) subheading 8537.10.

165. A change to subheading 8461.50 from any other heading, except from tariff items 8466.93.15, 8466.93.30 or 8466.93.45.

166. A change to tariff item 8461.90.40 from any other heading, except from more than one of the following:

(A) subheadings 8413.50 through 8413.60,

(B) tariff items 8466.93.15, 8466.93.30 or 8466.93.45,

(C) subheadings 8501.32 or 8501.52,

(D) subheading 8537.10.

167. A change to subheading 8461.90 from any other heading, except from tariff items 8466.93.15, 8466.93.30 or 8466.93.45.

168. A change to subheading 8462.10 from any other heading, except from tariff items 8466.94.20, 8466.94.60 or 8483.50.60.

169. A change to subheading 8462.21 from any other heading, except from more than one of the following:

(A) subheadings 8413.50 through 8413.60,

(B) tariff items 8466.94.20 or 8466.94.60,

(C) tariff item 8483.50.60,

(D) subheadings 8501.32 or 8501.52,

(E) subheading 8537.10.

170. A change to subheading 8462.29 from any other heading, except from tariff items 8466.94.20, 8466.94.60 or 8483.50.60.

171. A change to subheading 8462.31 from any other heading, except from more than one of the following:

(A) subheadings 8413.50 through 8413.60,

(B) tariff items 8466.94.20 or 8466.94.60,

(C) tariff item 8483.50.60,

(D) subheading 8501.32 or 8501.52,

(E) subheading 8537.10.

172. A change to subheading 8462.39 from any other heading, except from tariff items 8466.94.20, 8466.94.60 or 8483.50.60.

173. A change to subheading 8462.41 from any other heading, except from more than one of the following:

(A) subheadings 8413.50 through 8413.60,

(B) tariff items 8466.94.20 or 8466.94.60,

(C) tariff item 8483.50.60,

(D) subheadings 8501.32 or 8501.52,

(E) subheading 8537.10.

174. A change to subheading 8462.49 from any other heading, except from tariff items 8466.94.20, 8466.94.60 or 8483.50.60.

175. A change to tariff item 8462.91.40 from any other heading, except from more than one of the following:

(A) subheadings 8413.50 through 8413.60,

(B) tariff items 8466.94.20 or 8466.94.60,

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(C) tariff item 8483.50.60,

(D) subheadings 8501.32 or 8501.52,

(E) subheading 8537.10.

176. A change to subheading 8462.91 from any other heading, except from tariff items 8466.94.20, 8466.94.60 or 8483.50.60.

177. A change to tariff item 8462.99.40 from any other heading, except from more than one of the following:

(A) subheadings 8413.50 through 8413.60,

(B) tariff items 8466.94.20 or 8466.94.60,

(C) tariff item 8483.50.60,

(D) subheadings 8501.32 or 8501.52,

(E) subheading 8537.10.

178. A change to subheading 8462.99 from any other heading, except from tariff items 8466.94.20, 8466.94.60 or 8483.50.60.

179. A change to heading 8463 from any other heading, except from tariff items 8466.94.20, 8466.94.60 or 8483.50.60, or subheadings 8501.32 or 8501.52.

180.(A) A change to heading 8464 from any other heading, except from subheading 8466.91; or

(B) A change to heading 8464 from subheading 8466.91, whether or not there is also a change from any other heading, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

181.(A) A change to heading 8465 from any other heading, except from subheading 8466.92; or

(B) A change to heading 8465 from subheading 8466.92, whether or not there is also a change from any other heading, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

182. A change to heading 8466 from any other heading.

183.(A) A change to subheadings 8467.11 through 8467.89 from any other heading; or

(B) A change to subheadings 8467.11 through 8467.89 from subheadings 8467.91, 8467.92 or 8467.99, whether or not there is also a change from any other heading, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

184. A change to subheadings 8467.91 through 8467.99 from any other heading.

185.(A) A change to subheadings 8468.10 through 8468.80 from any other heading; or

(B) A change to subheadings 8468.10 through 8468.80 from subheading 8468.90, whether or not there is also a change from any other heading, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

186. A change to subheading 8468.90 from any other heading.

187.(A) A change to tariff item 8469.10.40 from any other heading, except from heading 8473; or

(B) A change to tariff item 8469.10.40 from heading 8473, whether or not there is also a change from any other heading, provided there is a regional value content of not less than 50 percent under the net cost method.

188.(A) A change to heading 8469 from any other heading, except from heading 8473; or

(B) A change to headings 8469 from heading 8473, whether or not there is also a change from any other heading, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

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189.(A) A change to heading 8470 from any other heading, except from heading 8473; or

(B) A change to heading 8470 from heading 8473, whether or not there is also a change from any other heading, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

190.(A) A change to subheading 8471.10 from any other heading, except from heading 8473; or

(B) A change to subheading 8471.10 from heading 8473, whether or not there is also a change from any other heading, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

191. A change to subheadings 8471.20 through 8471.91 from any subheading outside that group.

192. A change to tariff item 8471.92.32 from any other subheading, except from subheading 8540.30 or tariff item 8540.91.15.

193. A change to tariff items 8471.92.36 or 8471.92.54 from any other tariff item, except from tariff items 8473.30.10 or 8473.30.30.

194. A change to tariff items 8471.92.38 or 8471.92.56 from any other tariff item, except from tariff item 8473.30.10.

195. A change to tariff items 8471.92.42 or 8471.92.58 from any other tariff item, except from tariff items 8473.30.10 or 8473.30.30.

196. A change to tariff items 8471.92.44 or 8471.92.62 from any other tariff item, except from tariff item 8473.30.30.

197. A change to tariff items 8471.92.46 or 8471.92.64 from any other tariff item, except from tariff item 8473.30.30.

198. A change to tariff items 8471.92.48 or 8471.92.68 from any other tariff item, except from tariff item 8473.30.30.

199. A change to subheading 8471.92 from any other subheading.

200. A change to subheading 8471.93 from any other subheading.

201. A change to tariff item 8471.99.15 from any other tariff item.

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202. A change to tariff items 8471.99.32 or 8471.99.34 from any other tariff item.

203. A change to tariff item 8471.99.60 from any other tariff item.

204. A change to any other tariff item within subheading 8471.99 from tariff items 8471.99.15, 8471.99.32, 8471.99.34 or 8471.99.60, or any other subheading.

205.(A) A change to heading 8472 from any other heading, except from heading 8473; or

(B) A change to heading 8472 from heading 8473, whether or not there is also a change from any other heading, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

206. A change to tariff item 8473.10.30 from any other heading.

207.(A) A change to tariff item 8473.10.60 from any other heading; or

(B) No required change in tariff classification to tariff item 8473.10.60, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

208.(A) A change to subheading 8473.21 from any other heading; or

(B) No required change in tariff classification to subheading 8473.21, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

209.(A) A change to subheading 8473.29 from any other heading; or

(B) No required change in tariff classification to subheading 8473.29, provided there is a regional value content of not less than:

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(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

210. A change to tariff item 8473.30.10 from any other tariff item.

211. A change to tariff item 8473.30.20 from any other tariff item.

212. A change to tariff item 8473.30.30 from any other tariff item.

213. A change to tariff item 8473.30.45 from any other tariff item.

214. A change to subheading 8473.30 from any other heading.

215.(A) A change to subheading 8473.40 from any other heading; or

(B) No required change in tariff classification to subheading 8473.40, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

216.(A) A change to subheadings 8474.10 through 8474.80 from any other heading; or

(B) A change to subheadings 8474.10 through 8474.80 from subheading 8474.90, whether or not there is also a change from any other heading, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

217.(A) A change to subheading 8474.90 from any other heading; or

(B) No required change in tariff classification to subheading 8474.90, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

218.(A) A change to subheadings 8475.10 through 8475.20 from any other heading; or

(B) A change to subheadings 8475.10 through 8475.20 from subheading 8475.90, whether or not there is also a change from any other

heading, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

219. A change to subheading 8475.90 from any other heading.

220.(A) A change to subheadings 8476.11 through 8476.19 from any other heading; or

(B) A change to subheadings 8476.11 through 8476.19 from subheading 8476.90, whether or not there is also a change from any other heading, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

221. A change to subheading 8476.90 from any other heading.

222. A change to subheading 8477.10 from any other subheading, except from tariff item 8477.90.20 or more than one of the following:

(A) tariff item 8477.90.40,

(B) subheading 8537.10.

223. A change to subheading 8477.20 from any other subheading, except from tariff item 8477.90.20 or more than one of the following:

(A) tariff item 8477.90.40,

(B) subheading 8537.10.

224. A change to subheading 8477.30 from any other subheading, except from tariff item 8477.90.20 or more than one of the following:

(A) tariff item 8477.90.60,

(B) subheading 8537.10.

225.(A) A change to subheadings 8477.40 through 8477.80 from any other heading; or

(B) A change to subheadings 8477.40 through 8477.80 from subheading 8477.90, whether or not there is also a change from any other heading, provided there is a regional value content of not less than:

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(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

226. A change to subheading 8477.90 from any other heading.

227.(A) A change to subheading 8478.10 from any other heading; or

(B) A change to subheading 8478.10 from subheading 8478.90, whether or not there is also a change from any other heading, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

228. A change to subheading 8478.90 from any other heading.

229.(A) A change to subheadings 8479.10 through 8479.81 from any other heading; or

(B) A change to subheadings 8479.10 through 8479.81 from subheading 8479.90, whether or not there is also a change from any other heading, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

230.(A) A change to subheading 8479.82 from any other heading; or

(B) A change to subheading 8479.82 from subheading 8479.90, whether or not there is also a change from any other heading, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

231. A change to tariff item 8479.89.55 from any other tariff item, except from tariff items 8479.90.45, 8479.90.55, 8479.90.65 or 8479.90.75, or combinations thereof.

232.(A) A change to subheading 8479.89 from any other heading; or

(B) A change to subheading 8479.89 from subheading 8479.90, whether or not there is also a change from any other heading, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

233. A change to tariff item 8479.90.45 from any other tariff item.

234. A change to tariff item 8479.90.55 from any other tariff item.

235. A change to tariff item 8479.90.65 from any other tariff item.

236. A change to tariff item 8479.90.75 from any other tariff item.

237. A change to subheading 8479.90 from any other heading.

238. A change to heading 8480 from any other heading.

Subheading rule: The underscoring of the designations in subdivision 239 pertains to goods provided for in subheadings 8481.20, 8481.30 or 8481.80 for use in a motor vehicle of chapter 87.

<u>239.(A)</u> A change to subheadings 8481.10 through 8481.80 from any other heading; or

<u>(B)</u> A change to subheadings 8481.10 through 8481.80 from subheading 8481.90, whether or not there is also a change from any other heading, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

240. A change to subheading 8481.90 from any other heading.

<u>241.(A)</u> A change to subheadings 8482.10 through 8482.80 from any subheading outside that group, except from tariff items 8482.99.05, 8482.99.15 or 8482.99.25; or

<u>(B)</u> A change to subheadings 8482.10 through 8482.80 from tariff items 8482.99.05, 8482.99.15 or 8482.99.25, whether or not there is also a change from any subheading outside that group, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

242. A change to subheadings 8482.91 through 8482.99 from any other heading.

<u>243.(A)</u> A change to subheading 8483.10 from any other heading; or

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(B) A change to subheading 8483.10 from subheading 8483.90, whether or not there is also a change from any other heading, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

244.(A) A change to subheading 8483.20 from any other subheading, except from subheadings 8482.10 through 8482.80, tariff items 8482.99.05, 8482.99.15 or 8482.99.25, or subheading 8483.90; or

(B) A change to subheading 8483.20 from subheadings 8482.10 through 8482.80, tariff items 8482.99.05, 8482.99.15 or 8482.99.25, or subheading 8483.90, whether or not there is also a change from any other subheading, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

245.(A) A change to subheading 8483.30 from any other heading; or

(B) A change to subheading 8483.30 from subheading 8483.90, whether or not there is also a change from any other heading, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

Subheading rule: The underscoring of the designations in subdivision 246 pertains to goods provided for in subheadings 8483.40 or 8483.50 for use in a motor vehicle of chapter 87.

246.(A) A change to subheadings 8483.40 through 8483.60 from any subheading outside that group, except from subheadings 8482.10 through 8482.80, tariff items 8482.99.05, 8482.99.15 or 8482.99.25, or subheading 8483.90; or

(B) A change to subheadings 8483.40 through 8483.60 from subheadings 8482.10 through 8482.80, tariff items 8482.99.05, 8482.99.15 or 8482.99.25, or subheading 8483.90, whether or not there is also a change from any subheading outside that group, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

247. A change to subheading 8483.90 from any other heading.

248. A change to headings 8484 through 8485 from any other heading, including another heading within that group.

Chapter 85.

Chapter rule 1: For purposes of this chapter, the term "printed circuit assembly" means a good consisting of one or more printed circuits of heading 8534 with one or more active elements assembled thereon, with or without passive elements. For purposes of this rule, "active elements" means diodes, transistors and similar semiconductor devices, whether or not photosensitive, of heading 8541, and integrated circuits and microassemblies of heading 8542.

Chapter rule 2: Tariff item 8517.90.04 covers the following parts for facsimile machines:

(a) control or command assemblies, incorporating more than one of the following: printed circuit assembly; modem; hard or flexible (floppy) disc drive; keyboard; user interface;

(b) optics module assemblies, incorporating more than one of the following: optics lamp; charge couples device and appropriate optics; lenses; mirror;

(c) laser imaging assemblies, incorporating more than one of the following: photoreceptor belt or cylinder; toner receptacle unit; toner developing unit; charge/discharge unit; cleaning unit;

(d) ink jet marking assemblies, incorporating more than one of the following: thermal print head; ink dispensing unit; nozzle and reservoir unit; ink heater;

(e) thermal transfer imaging assemblies, incorporating more than one of the following: thermal print head; cleaning unit; supply or take-up roller;

(f) ionographic imaging assemblies, incorporating more than one of the following: ion generation and emitting unit; air assist unit; printed circuit assembly; charge receptor belt or cylinder; toner receptacle unit; toner distribution unit; developer receptacle and distribution unit; developing unit; charge/discharge unit; cleaning unit;

(g) image fixing assemblies, incorporating more than one of the following: fuser; pressure roller; heating element; release oil dispenser; cleaning unit; electrical control;

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(h) paper handling assemblies, incorporating more than one of the following: paper transport belt; roller; print bar; carriage; gripper roller; paper storage unit; exit tray; or

(i) combinations of the above specified assemblies.

Chapter rule 3: For purposes of this chapter:

(a) references to "high definition" as it applies to television receivers and cathode-ray tubes refers to goods having--

(i) an aspect ratio of the screen equal to or greater than 16:9, and

(ii) a viewing screen capable of displaying more than 700 scanning lines; and

(b) the video display diagonal is determined by measuring the maximum straight line dimension across the visible portion of the face plate used for displaying video.

Chapter rule 4: Tariff items 8529.90.29, 8529.90.33, 8529.90.36 and 8529.90.39 cover the following parts of television receivers (including video monitors and video projectors):

(a) Video intermediate (IF) amplifying and detecting systems;

(b) Video processing and amplification systems;

(c) Synchronizing and deflection circuitry;

(d) Tuners and tuner control systems;

(e) Audio detection and amplification systems.

Chapter rule 5: For purposes of tariff item 8540.91.15, the term "front panel assembly" refers to:

(a) with respect to a color cathode-ray television picture tube, an assembly which consists of a glass panel and a shadow mask or aperture grille, attached for ultimate use, which is suitable for incorporation into a color cathode-ray television picture tube (including video monitor or video projector cathode-ray tube), and which has undergone the necessary chemical and physical processes for imprinting phosphors on the glass panel with sufficient precision to render a video image when excited by a stream of electrons; or

(b) with respect to a monochrome cathode-ray picture tube, an assembly which consists of either a glass panel or a glass envelope, which is suitable for incorporation into a monochrome cathode-ray television picture tube (including video monitor or video projector cathode-ray tube), and which has undergone the necessary chemical and physical processes for imprinting phosphors on the glass panel or glass envelope with sufficient precision to render a video image when excited by a stream of electrons.

Chapter rule 6: The origin of a television combination unit shall be determined in accordance with the rule that would be applicable to such unit if it were solely a television receiver.

Chapter rule 7: For the purposes of the subdivisions pertaining to this chapter, whenever the subdivision designation is underscored, the provisions of subdivision (d) of this note may apply to goods for use in a motor vehicle of chapter 87.

Subheading rule: The underscoring of the designations in subdivision 1 pertains to goods provided for in subheadings 8501.10, 8501.20, 8501.31 or 8501.32 for use in a motor vehicle of chapter 87.

1.(A) A change to heading 8501 from any other heading, except from tariff items 8503.00.35 or 8503.00.55; or

(B) A change to heading 8501 from tariff items 8503.00.35 or 8503.00.55, whether or not there is also a change from any other heading, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

2.(A) A change to heading 8502 from any other heading, except from headings 8406, 8411, 8501 or 8503; or

(B) A change to heading 8502 from headings 8406, 8411, 8501 or 8503, whether or not there is also a change from any other heading, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

3. A change to heading 8503 from any other heading.

4.(A) A change to subheadings 8504.10 through 8504.34 from any other heading; or

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(B) A change to subheadings 8504.10 through 8504.34 from subheading 8504.90, whether or not there is also a change from any other heading, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

5. A change to tariff item 8504.40.40 from any other subheading, except from tariff item 8504.90.60.

6.(A) A change to subheading 8504.40 from any other heading; or

(B) A change to subheading 8504.40 from subheading 8504.90, whether or not there is also a change from any other heading, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

7.(A) A change to subheading 8504.50 from any other heading; or

(B) A change to subheading 8504.50 from subheading 8504.90, whether or not there is also a change from any other heading, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

8. A change to subheading 8504.90 from any other heading.

9.(A) A change to subheadings 8505.11 through 8505.30 from any other heading; or

(B) A change to subheadings 8505.11 through 8505.30 from subheading 8505.90, whether or not there is also a change from any other heading, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

10. A change to subheading 8505.90 from any other heading.

11.(A) A change to subheadings 8506.11 through 8506.20 from any other heading; or

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(B) A change to subheadings 8506.11 through 8506.20 from subheading 8506.90, whether or not there is also a change from any other heading, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

12. A change to subheading 8506.90 from any other heading.

13.(A) A change to subheadings 8507.10 through 8507.80 from any other heading; or

(B) A change to subheadings 8507.10 through 8507.80 from subheading 8507.90, whether or not there is also a change from any other heading, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

14. A change to subheading 8507.90 from any other heading.

15.(A) A change to subheadings 8508.10 through 8508.80 from any other subheading outside that group, except from heading 8501 or tariff item 8508.90.40; or

(B) A change to subheadings 8508.10 through 8508.80 from heading 8501 or tariff item 8508.90.40, whether or not there is also a change from any other subheading, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

16. A change to subheading 8508.90 from any other heading.

17.(A) A change to subheadings 8509.10 through 8509.40 from any other subheading outside that group, except from heading 8501 or tariff items 8509.90.05, 8509.90.25 or 8509.90.45; or

(B) A change to subheadings 8509.10 through 8509.40 from heading 8501 or tariff items 8509.90.05, 8509.90.25 or 8509.90.45, whether or not there is also a change from any other subheading, provided there is a regional value content of not less than:

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(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

18.(A) A change to subheading 8509.80 from any other heading; or

(B) A change to subheading 8509.80 from subheading 8509.90, whether or not there is also a change from any other heading, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

19. A change to subheading 8509.90 from any other heading.

20.(A) A change to subheadings 8510.10 through 8510.20 from any other heading; or

(B) A change to subheadings 8510.10 through 8510.20 from subheading 8510.90, whether or not there is also a change from any other heading, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

21. A change to subheading 8510.90 from any other heading.

Subheading rule: The underscoring of the designations in subdivision 22 pertains to goods provided for in subheadings 8511.30, 8511.40 or 8511.50 for use in a motor vehicle of chapter 87.

<u>22.(A)</u> A change to subheadings 8511.10 through 8511.80 from any other heading; or

<u>(B)</u> A change to subheadings 8511.10 through 8511.80 from subheading 8511.90, whether or not there is also a change from any other heading, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

23. A change to subheading 8511.90 from any other heading.

Subheading rule: The underscoring of the designations in subdivision 24 pertains to goods provided for in subheadings 8512.20 or 8512.40 for use in a motor vehicle of chapter 87.

24.(A) A change to subheadings 8512.10 through 8512.40 from any other heading; or

(B) A change to subheadings 8512.10 through 8512.40 from subheading 8512.90, whether or not there is also a change from any other heading, provided there is also a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

25. A change to subheading 8512.90 from any other heading.

26.(A) A change to subheading 8513.10 from any other heading; or

(B) A change to subheading 8513.10 from subheading 8513.90, whether or not there is also a change from any other heading, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

27. A change to subheading 8513.90 from any other heading.

28.(A) A change to subheadings 8514.10 through 8514.40 from any other heading; or

(B) A change to subheadings 8514.10 through 8514.40 from subheading 8514.90, whether or not there is also a change from any other heading, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

29. A change to subheading 8514.90 from any other heading.

30.(A) A change to subheadings 8515.11 through 8515.80 from any other heading; or

(B) A change to subheadings 8515.11 through 8515.80 from subheading 8515.90, whether or not there is also a change from any other heading, provided there is a regional value content of not less than:

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(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

31. A change to subheading 8515.90 from any other heading.

32.(A) A change to subheadings 8516.10 through 8516.29 from subheading 8516.80 or any other heading; or

(B) A change to subheadings 8516.10 through 8516.29 from subheading 8516.90, whether or not there is also a change from subheading 8516.80 or any other heading, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

33. A change to subheading 8516.31 from any other subheading, except from subheading 8516.80 or heading 8501.

34.(A) A change to subheading 8516.32 from subheading 8516.80 or any other heading; or

(B) A change to subheading 8516.32 from subheading 8516.90, whether or not there is also a change from subheading 8516.80 or any other heading, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

35. A change to subheading 8516.33 from any other subheading, except from heading 8501, subheading 8516.80 or tariff item 8516.90.15.

36. A change to subheading 8516.40 from any other subheading, except from heading 8402, subheading 8481.40 or tariff item 8516.90.25.

37. A change to subheading 8516.50 from any other subheading, except from tariff items 8516.90.35 or 8516.90.45.

38. A change to tariff item 8516.60.40 from any other tariff item, except from tariff items 8516.90.55, 8516.90.65, 8516.90.75 or 8537.10.30.

39.(A) A change to subheading 8516.60 from subheading 8516.80 or any other heading; or

(B) A change to subheading 8516.60 from subheading 8516.90, whether or not there is also a change from subheading 8516.80 or any

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other heading, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

40.(A) A change to subheading 8516.71 from subheading 8516.80 or any other heading; or

(B) A change to subheading 8516.71 from subheading 8516.90, whether or not there is also a change from subheading 8516.80 or any other heading, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

41.(A) A change to subheading 8516.72 from any other subheading, except from tariff item 8516.90.85, or subheading 9032.10; or

(B) A change to subheading 8516.72 from tariff item 8516.90.85, or subheading 9032.10, whether or not there is also a change from any other subheading, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

42.(A) A change to subheading 8516.79 from subheading 8516.80 or any other heading; or

(B) A change to subheading 8516.79 from subheading 8516.90, whether or not there is also a change from subheading 8516.80 or any other heading, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

43.(A) A change to subheading 8516.80 from any other heading; or

(B) A change to subheading 8516.80 from subheading 8516.90, whether or not there is also a change from any other heading, provided there is a regional value content of not less than:

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(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

44. A change to tariff item 8516.90.35 from any other tariff item.

45. A change to tariff item 8516.90.45 from any other tariff item.

46. A change to tariff item 8516.90.55 from any other tariff item.

47. A change to tariff item 8516.90.65 from any other tariff item.

48. A change to tariff item 8516.90.75 from any other tariff item.

49. A change to subheading 8516.90 from any other heading.

50. A change to subheading 8517.10 from any other subheading, except from tariff items 8517.90.12, 8517.90.36, 8517.90.38 or 8517.90.44.

51. A change to subheadings 8517.20 through 8517.30 from any other subheading, including another subheading within that group, provided that, with respect to printed circuit assemblies (PCAs) of tariff items 8473.30.10, 8517.90.16, 8517.90.24, 8517.90.26, 8517.90.32, 8517.90.36, 8517.90.38 or 8517.90.44:

(A) except as provided in subparagraph (B), for each multiple of nine PCAs, or any portion thereof, that is contained in the good, only one PCA may be a non-originating PCA, and

(B) if the good contains less than three PCAs, all of the PCAs must be originating PCAs.

52. A change to tariff item 8517.40.50 from any other subheading, provided that, with respect to printed circuit assemblies (PCAs) of tariff items 8473.30.10, 8517.90.16, 8517.90.24, 8517.90.26, 8517.90.32, 8517.90.36, 8517.90.38 or 8517.90.44:

(A) except as provided in subparagraph (B), for each multiple of nine PCAs, or any portion thereof, that is contained in the good, only one PCA may be a non-originating PCA, and

(B) if the good contains less than three PCAs, all of the PCAs must be originating PCAs.

53. A change to subheading 8517.40 from any other subheading.

54. A change to subheading 8517.81 from any other subheading, provided that, with respect to printed circuit assemblies (PCAs) of tariff items 8473.30.10, 8517.90.16, 8517.90.24, 8517.90.26, 8517.90.32, 8517.90.36, 8517.90.38 or 8517.90.44:

(A) except as provided in subparagraph (B), for each multiple of nine PCAs, or any portion thereof, that is contained in the good, only one PCA may be a non-originating PCA, and

(B) if the good contains less than three PCAs, all of the PCAs must be originating PCAs.

55. A change to tariff item 8517.82.40 from any other tariff item, except from tariff item 8517.90.04.

56. A change to subheading 8517.82 from any other subheading.

57. A change to tariff item 8517.90.12 from any other tariff item, except from tariff items 8517.90.36, 8517.90.38 or 8517.90.44.

58. A change to tariff items 8517.90.24, 8517.90.26 or 8517.90.32 from any other tariff item, provided that, with respect to printed circuit assemblies (PCAs) of tariff items 8473.30.10, 8517.90.34, 8517.90.36, 8517.90.38 or 8517.90.44:

(A) except as provided in subparagraph (B), for each multiple of nine PCAs, or any portion thereof, that is contained in the good, only one PCA may be a non-originating PCA, and

(B) if the good contains less than three PCAs, all of the PCAs must be originating PCAs.

59. A change to tariff item 8517.90.04 from any other tariff item.

60. A change to tariff item 8517.90.34 from any other tariff item.

61. A change to tariff items 8517.90.36, 8517.90.38 or 8517.90.44 from any other tariff item.

62. A change to tariff items 8517.90.48, 8517.90.52 or 8517.90.56 from any other heading.

63. A change to tariff items 8517.90.58, 8517.90.64 or 8517.90.66 from tariff items 8517.90.48, 8517.90.52 or 8517.90.56, or any other heading.

64. A change to subheading 8517.90 from any other heading.

65.(A) A change to subheadings 8518.10 through 8518.21 from any other heading; or

(B) A change to subheadings 8518.10 through 8518.21 from subheading 8518.90, whether or not there is also a change from any other heading, provided there is a regional value content of not less than:

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(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

66.(A) A change to subheading 8518.22 from any other heading; or

(B) A change to subheading 8518.22 from subheadings 8518.29 or 8518.90, whether or not there is also a change from any other heading, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

67.(A) A change to subheading 8518.29 from any other heading; or

(B) A change to subheading 8518.29 from subheading 8518.90, whether or not there is also a change from any other heading, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

68. A change to tariff item 8518.30.10 from any other tariff item.

69.(A) A change to subheading 8518.30 from any other heading; or

(B) A change to subheading 8518.30 from subheading 8518.90, whether or not there is also a change from any other heading, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

70.(A) A change to subheadings 8518.40 through 8518.50 from any other heading; or

(B) A change to subheadings 8518.40 through 8518.50 from subheading 8518.90, whether or not there is also a change from any other heading, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

71. A change to subheading 8518.90 from any other heading.

Subheading rule: The underscoring of the designation in subdivision 72 pertains to goods provided for in subheading 8519.91 for use in a motor vehicle of chapter 87.

72. A change to subheadings 8519.10 through 8519.99 from any other subheading, including another subheading within that group, except from tariff items 8522.90.25, 8522.90.45 or 8522.90.65.

73. A change to subheadings 8520.10 through 8520.90 from any other subheading, including another subheading within that group, except from tariff items 8522.90.25, 8522.90.45 or 8522.90.65.

74. A change to subheadings 8521.10 through 8521.90 from any other subheading, including another subheading within that group, except from tariff items 8522.90.25, 8522.90.45 or 8522.90.65.

75. A change to heading 8522 from any other heading.

76. A change to headings 8523 through 8524 from any other heading, including another heading within that group.

77. A change to subheadings 8525.10 through 8525.20 from any subheading outside that group, provided that, with respect to printed circuit assemblies (PCAs) of tariff items 8529.90.01, 8529.90.03, 8529.90.06, 8529.90.09, 8529.90.13, 8529.90.16, 8529.90.19 or 8529.90.23:

    (A) except as provided in subparagraph (b), for each multiple of nine PCAs, or any portion thereof, that is contained in the good, only one PCA may be a non-originating PCA, and

    (B) if the good contains less than three PCAs, all of the PCAs must be originating PCAs.

78. A change to tariff item 8525.30.30 from any other tariff item, except from tariff item 8525.30.60.

79. A change to subheading 8525.30 from any other subheading, except from tariff items 8529.90.01, 8529.90.03, 8529.90.06, 8529.90.09, 8529.90.13, 8529.90.16, 8529.90.19 or 8529.90.23.

80. A change to subheading 8526.10 from any other subheading, except from subheading 8525.20, tariff item 8529.90.26 or more than two of the following:

    (A) display unit provided for in subheading 8471.92 or 8529.90, incorporating a cathode-ray tube, flat panel screen or similar display,

    (B) subheading 8529.10,

(C) tariff items 8529.90.01, 8529.90.03, 8529.90.06, 8529.90.09, 8529.90.13, 8529.90.16, 8529.90.19 or 8529.90.23.

81.(A) A change to subheadings 8526.91 through 8526.92 from any other heading, except from heading 8529; or

(B) A change to subheadings 8526.91 through 8526.92 from heading 8529, whether or not there is also a change from any other heading, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

Subheading rule: The underscoring of the designation in subdivision 82 pertains to goods provided for in subheadings 8527.21 or 8527.29 for use in a motor vehicle of chapter 87.

82. A change to subheadings 8527.11 through 8527.39 from any other subheading, including another subheading within that group, except from tariff items 8529.90.01, 8529.90.03, 8529.90.06, 8529.90.09, 8529.90.13, 8529.90.16, 8529.90.19 or 8529.90.23.

83. A change to subheading 8527.90 from any other subheading, provided that, with respect to printed circuit assemblies (PCAs) of tariff items 8529.90.01, 8529.90.03, 8529.90.06, 8529.90.09, 8529.90.13, 8529.90.16, 8529.90.19 or 8529.90.23:

(A) except as provided in subparagraph (B), for each multiple of nine PCAs, or any portion thereof, that is contained in the good, only one PCA may be a non-originating PCA, and

(B) if the good contains less than three PCAs, all of the PCAs must be originating PCAs.

84. A change to tariff items 8528.10.14 or 8528.10.18 from any other heading, except from tariff items 8529.90.01, 8529.90.03, 8529.90.06, 8529.90.09, 8529.90.13, 8529.90.16, 8529.90.19, 8529.90.23, 8529.90.29, 8529.90.33, 8529.90.36, 8529.90.39, 8529.90.43, 8529.90.46 or 8529.90.49.

85. A change to tariff items 8528.10.24 or 8528.10.28 from tariff items 8528.10.04 or 8528.10.08, or any other heading, except from tariff item 8540.11.10 or more than one of the following:

(A) tariff item 7011.20.10,

(B) tariff item 8540.91.15.

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Tariff item rule: Effective with respect to goods entered, or withdrawn from warehouse for consumption, on or after January 1, 1999, the text of subdivision 85 shall be replaced by the following:

A change to tariff items 8528.10.24 or 8528.10.28 from any other heading, except from tariff items 8529.90.43, 8529.90.46, 8529.90.49 or 8540.11.10 or more than one of the following:

(A) tariff item 7011.20.10,

(B) tariff item 8540.91.15.

86. A change to tariff items 8528.10.34 or 8529.10.38 from tariff items 8528.10.04 or 8528.10.08, or any other heading, except from tariff items 8540.12.10 or 8540.12.50 or more than one of the following:

(A) tariff item 7011.20.10,

(B) tariff item 8540.91.15.

87.(A) A change to tariff items 8528.10.44 or 8528.10.48 from tariff items 8528.10.04 or 8528.10.08, or any other heading, except from tariff items 8540.11.30, 8540.11.40 or 8540.91.15. In addition, no more than half the number of semiconductors of tariff item 8542.11.40, used in the television receiver component, may be non-originating; or

(B) A change to tariff items 8528.10.44 or 8528.10.48 from tariff items 8528.10.04 or 8528.10.08, or any other heading, except from tariff items 8540.11.30, 8540.11.40 or 8540.91.15. In addition, the regional value content must be not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

88.(A) A change to tariff items 8528.10.54 or 8528.10.58 from tariff items 8528.10.04 or 8528.10.08, or any other heading, except from tariff items 8540.12.10, 8540.12.50 or 8540.91.15. In addition, no more than half the number of semiconductors of tariff item 8542.11.40, used in the television receiver component, may be non-originating; or

(B) A change to tariff items 8528.10.54 or 8528.10.58 from tariff items 8528.10.04 or 8528.10.08, or any other heading, except from tariff items 8540.12.10, 8540.12.50 or 8540.91.15. In addition, the regional value content must be not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

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89. A change to tariff items 8528.10.64 or 8528.10.68 from tariff items 8528.10.04 or 8528.10.08, or any other heading, except from tariff item 8529.90.53.

90. A change to tariff items 8528.10.04 or 8528.10.08 from any other heading, except tariff items 8529.90.43, 8529.90.46 or 8529.90.49.

91. A change to subheading 8528.10 from tariff items 8528.10.04 or 8528.10.08, or any other heading, provided there is a regional value content of not less than:

(A) 60 percent where the transaction value method is used, or

(B) 50 percent where the net cost method is used.

92. A change to subheading 8528.20 from any other heading, provided that, with respect to printed circuit assemblies (PCAs) of tariff items 8529.90.01, 8529.90.03, 8529.90.06, 8529.90.09, 8529.90.13, 8529.90.16, 8529.90.19, 8529.90.23, 8529.90.29, 8529.90.33, 8529.90.36 or 8529.90.39:

(A) except as provided in subparagraph (B), for each multiple of nine PCAs, or any portion thereof, that is contained in the good, only one PCA may be a non-originating PCA, and

(B) if the good contains less than three PCAs, all of the PCAs must be originating PCAs.

93. A change to subheading 8529.10 from any other heading.

94. A change to tariff items 8529.90.01, 8529.90.03, 8529.90.06, 8529.90.09, 8529.90.13, 8529.90.16, 8529.90.19 or 8529.90.23 from any other tariff item.

95. A change to tariff item 8529.90.26 from any other tariff item.

96. A change to tariff items 8529.90.29, 8529.90.33, 8529.90.36 or 8529.90.39 from any other tariff item.

97. A change to tariff items 8529.90.43, 8529.90.46 or 8529.90.49 from any other tariff item.

98. A change to tariff item 8529.90.53 from any other tariff item.

99. A change to tariff items 8529.90.63, 8529.90.69, 8529.90.73 or 8529.90.76 from any other tariff item.

100.(A) A change to tariff items 8529.90.79, 8529.90.83 or 8529.90.85 from any other heading; or

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(B) No required change in tariff classification to tariff items 8529.90.79, 8529.90.83 or 8529.90.85, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

101. A change to subheading 8529.90 from any other heading.

102.(A) A change to subheadings 8530.10 through 8530.80 from any other heading; or

(B) A change to subheadings 8530.10 through 8530.80 from subheading 8530.90, whether or not there is also a change from any other heading, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

103. A change to subheading 8530.90 from any other heading.

104. A change to subheading 8531.10 from any other subheading, except from tariff item 8531.90.40.

105.(A) A change to subheading 8531.20 from any other heading; or

(B) A change to subheading 8531.20 from subheading 8531.90, whether or not there is also a change from any other heading, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

106. A change to tariff item 8531.80.40 from any other subheading, provided that, with respect to printed circuit assemblies (PCAs) of tariff item 8531.90.40:

(A) except as provided in subparagraph (B), for each multiple of nine PCAs, or any portion thereof, that is contained in the good, only one PCA may be a non-originating PCA, and

(B) if the good contains less than three PCAs, all of the PCAs must be originating PCAs.

107.(A) A change to subheading 8531.80 from any other heading; or

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(B) A change to subheading 8531.80 from subheading 8531.90, whether or not there is also a change from any other heading, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

108. A change to subheading 8531.90 from any other heading.

109.(A) A change to subheading 8532.10 from any other heading; or

(B) A change to subheading 8532.10 from subheading 8532.90, whether or not there is also a change from any other heading, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

110. A change to subheadings 8532.21 through 8532.30 from any other subheading, including another subheading within that group.

111. A change to subheading 8532.90 from any other heading.

112. A change to subheadings 8533.10 through 8533.39 from any other subheading, including another subheading within that group.

113. A change to subheading 8533.40 from any other subheading, except from tariff item 8533.90.40.

114. A change to subheading 8533.90 from any other heading.

115. A change to heading 8534 from any other heading.

116.(A) A change to tariff item 8535.90.40 from any other tariff item, except from tariff item 8538.90.40; or

(B) A change to tariff item 8535.90.40 from tariff item 8538.90.40, whether or not there is also a change from any other tariff item, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

117.(A) A change to heading 8535 from any other heading, except from tariff items 8538.90.20 or 8538.90.60; or

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(B) A change to heading 8535 from tariff items 8538.90.20 or 8538.90.60, whether or not there is also a change from any other heading, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

118.(A) A change to tariff item 8536.30.40 from any other tariff item, except from tariff item 8538.90.40; or

(B) A change to tariff item 8536.30.40 from tariff item 8538.90.40, whether or not there is also a change from any other tariff item, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

Subheading rule: The underscoring of the designations in subdivisions 119 and 120 pertains to goods provided for in subheadings 8536.50 or 8536.90 for use in a motor vehicle of chapter 87.

<u>119.(A)</u> A change to tariff item 8536.50.40 from any other tariff item, except from tariff item 8538.90.40; or

<u>(B)</u> A change to tariff item 8536.50.40 from tariff item 8538.90.40, whether or not there is also a change from any other tariff item, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

<u>120.(A)</u> A change to heading 8536 from any other heading, except from tariff items 8538.90.20 or 8538.90.60; or

<u>(B)</u> A change to heading 8536 from tariff items 8538.90.20 or 8538.90.60, whether or not there is also a change from any other heading, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

Heading rule: The underscoring of the designations in subdivision 121 pertains to goods provided for in subheading 8537.10 for use in a motor vehicle of chapter 87.

121.(A) A change to heading 8537 from any other heading, except from tariff items 8538.90.20 or 8538.90.60; or

(B) A change to heading 8537 from tariff items 8538.90.20 or 8538.90.60, whether or not there is also a change from any other heading, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

122. A change to heading 8538 from any other heading.

Subheading rule: The underscoring of the designations in subdivision 123 pertains to goods provided for in subheadings 8539.10 or 8539.21 for use in a motor vehicle of chapter 87.

123.(A) A change to subheadings 8539.10 through 8539.40 from any other heading; or

(B) A change to subheadings 8539.10 through 8539.40 from subheading 8539.90, whether or not there is also a change from any other heading, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

124. A change to subheading 8539.90 from any other heading.

125. A change to tariff item 8540.11.10 from any other subheading, except from more than one of the following:

(A) tariff item 7011.20.10,

(B) tariff item 8540.91.15.

126. A change to tariff item 8540.11.20 from any other subheading, except from more than one of the following:

(A) tariff item 7011.20.10,

(B) tariff item 8540.91.15.

127. A change to tariff item 8540.11.30 from any other subheading, except from tariff item 8540.91.15.

128. A change to tariff item 8540.11.40 from any other subheading, except from tariff item 8540.91.15.

129.(A) A change to subheading 8540.11 from any other heading; or

(B) A change to subheading 8540.11 from subheading 8540.91, whether or not there is also a change from any other heading, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

Tariff item rule: Subdivision 130 applies only to goods incorporating a glass panel referred to in subparagraph (b) of chapter rule 5 for chapter 85 and a glass cone provided for in tariff item 7011.20.10.

130. A change to tariff items 8540.12.10 or 8540.12.50 from any other subheading, except from more than one of the following:

(A) tariff item 7011.20.10,

(B) tariff item 8540.91.15.

Tariff item rule: Subdivision 131 applies only to goods incorporating a glass envelope referred to in subparagraph (b) of chapter rule 5 for chapter 85.

131. A change to tariff items 8540.12.10 or 8540.12.50 from any other subheading, except from tariff item 8540.91.15.

132. A change to tariff items 8540.12.20 or 8540.12.70 from any other subheading, except from tariff item 8540.91.15.

133.(A) A change to subheading 8540.12 from any other heading; or

(B) A change to subheading 8540.12 from subheading 8540.91, whether or not there is also a change from any other heading, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

134.(A) A change to subheading 8540.20 from any other heading; or

(B) A change to subheading 8540.20 from subheadings 8540.91 through 8540.99, whether or not there is also a change from any other

heading, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

135. A change to subheading 8540.30 from any other subheading, except from tariff item 8540.91.15.

136. A change to subheadings 8540.41 through 8540.49 from any subheading outside of that group, except from tariff item 8540.99.40.

137. A change to subheadings 8540.81 through 8540.89 from any other subheading, including another subheading within that group.

138. A change to tariff item 8540.91.15 from any other tariff item.

139. A change to subheading 8540.91 from any other heading.

140. A change to tariff item 8540.99.40 from any other tariff item.

141. A change to subheading 8540.99 from any other heading.

Subheading rule: Notwithstanding Article 411 (Transshipment) to the NAFTA, a good provided for in subheadings 8541.10 through 8541.60 or 8542.11 through 8542.80 qualifying under subdivision 142 above as an originating good may undergo further production outside the territory of the NAFTA parties and, when imported into the territory of a party, will originate in the territory of a party, provided that such further production did not result in a change to a subheading outside of that group.

142. A change to subheadings 8541.10 through 8542.90 from any other subheading, including another subheading within that group.

143.(A) A change to subheadings 8543.10 through 8543.30 from any other heading; or

(B) A change to subheadings 8543.10 through 8543.30 from subheading 8543.90, whether or not there is also a change from any other heading, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

144.(A) A change to tariff item 8543.80.85 from any other subheading, except from subheading 8504.40 or tariff items 8543.90.15 or 8543.90.55; or

(B) A change to tariff item 8543.80.85 from subheading 8504.40 or tariff items 8543.90.15 or 8543.90.55, whether or not there is also a change from any other subheading, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

145.(A) A change to subheading 8543.80 from any other heading; or

(B) A change to subheading 8543.80 from subheading 8543.90, whether or not there is also a change from any other heading, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

146. A change to subheading 8543.90 from any other heading.

Subheading rule: The underscoring of the designations in subdivision 147 pertains to goods provided for in subheading 8544.30 for use in a motor vehicle of chapter 87.

<u>147.(A)</u> A change to subheadings 8544.11 through 8544.60 from any subheading outside that group, except from headings 7408, 7413, 7605 or 7614; or

<u>(B)</u> A change to subheadings 8544.11 through 8544.60 from headings 7408, 7413, 7605 or 7614, whether or not there is also a change from any other subheading, including another subheading within subheadings 8544.11 through 8544.60, provided there is also a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

148.(A) A change to subheading 8544.70 from any other subheading, except from headings 7002 or 9001; or

(B) A change to subheading 8544.70 from headings 7002 or 9001, whether or not there is also a change from any other subheading, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

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149. A change to headings 8545 through 8548 from any other heading, including another heading within that group.

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1.(A) A change to headings 8601 through 8606 from any other heading, including another heading within that group, except from heading 8607; or

(B) A change to headings 8601 through 8606 from heading 8607, whether or not there is also a change from any other heading, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

2. A change to subheadings 8607.11 through 8607.12 from any other heading.

3.(A) A change to tariff item 8607.19.03 from any other heading; or

(B) A change to tariff item 8607.19.03 from tariff item 8607.19.06, whether or not there is also a change from any other heading, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

4.(A) A change to tariff item 8607.19.12 from any other heading; or

(B) A change to tariff item 8607.19.12 from tariff item 8607.19.15, whether or not there is also a change from any other heading, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

5. A change to subheading 8607.19 from any other heading.

6. A change to subheadings 8607.21 through 8607.99 from any other heading.

7. A change to headings 8608 through 8609 from any other heading, including another heading within that group.

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Chapter 87.

Chapter rule 1: For the purposes of the subdivisions pertaining to this chapter, whenever the subdivision designation is underscored, the provisions of subdivision (d) of this note apply.

1. A change to heading 8701 from any other heading, provided there is a regional value content of not less than 50 percent under the net cost method.

2. A change to tariff item 8702.10.30 from any other heading, provided there is a regional value content of not less than 50 percent under the net cost method.

3. A change to tariff item 8702.10.60 from any other heading, provided there is a regional value content of not less than 50 percent under the net cost method.

4. A change to tariff item 8702.90.30 from any other heading, provided there is a regional value content of not less than 50 percent under the net cost method.

5. A change to tariff item 8702.90.60 from any other heading, provided there is a regional value content of not less than 50 percent under the net cost method.

6. A change to subheading 8703.10 from any other heading, provided there is a regional value content of not less than:

(A) 60 percent where the transaction value method is used, or

(B) 50 percent where the net cost method is used.

7. A change to subheadings 8703.21 through 8703.90 from any other heading, provided there is a regional value content of not less than 50 percent under the net cost method.

8. A change to subheading 8704.10 from any other heading, provided there is a regional value content of not less than 50 percent under the net cost method.

9. A change to subheading 8704.21 from any other heading, provided there is a regional value content of not less than 50 percent under the net cost method.

10. A change to subheadings 8704.22 through 8704.23 from any other heading, provided there is a regional value content of not less than 50 percent under the net cost method.

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11. A change to subheading 8704.31 from any other heading, provided there is a regional value content of not less than 50 percent under the net cost method.

12. A change to subheadings 8704.32 through 8704.90 from any other heading, provided there is a regional value content of not less than 50 percent under the net cost method.

13. A change to heading 8705 from any other heading, provided there is a regional value content of not less than 50 percent under the net cost method.

14. A change to tariff items 8706.00.03 or 8706.00.15 from any other chapter, provided there is a regional value content of not less than 50 percent under the net cost method.

15. A change to tariff items 8706.00.05, 8706.00.25, 8706.00.30 or 8706.00.50 from any other chapter, provided there is a regional value content of not less than 50 percent under the net cost method.

16.(A) A change to heading 8707 from any other chapter; or

(B) A change to heading 8707 from heading 8708, whether or not there is also a change from any other chapter, provided there is a regional value content of not less than 50 percent under the net cost method.

17.(A) A change to subheading 8708.10 from any other heading; or

(B) A change to subheading 8708.10 from subheading 8708.99, whether or not there is also a change from any other heading, provided there is a regional value content of not less than 50 percent under the net cost method.

18.(A) A change to subheading 8708.21 from any other heading; or

(B) A change to subheading 8708.21 from subheading 8708.99, whether or not there is also a change from any other heading, provided there is a regional value content of not less than 50 percent under the net cost method.

19.(A) A change to subheading 8708.29 from any other heading; or

(B) No required change in tariff classification to subheading 8708.29, provided there is a regional value content of not less than 50 percent under the net cost method.

20.(A) A change to subheading 8708.31 from any other heading; or

(B) A change to subheading 8708.31 from subheadings 8708.39 or 8708.99, whether or not there is also a change from any other

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heading, provided there is a regional value content of not less than 50 percent under the net cost method.

21.(A) A change to subheading 8708.39 from any other heading; or

(B) A change to subheading 8708.39 from subheadings 8708.31 or 8708.99, whether or not there is also a change from any other heading, provided there is a regional value content of not less than 50 percent under the net cost method.

22.(A) A change to subheading 8708.40 from any other heading; or

(B) A change to subheading 8708.40 from subheading 8708.99, whether or not there is also a change from any other heading, provided there is a regional value content of not less than 50 percent under the net cost method.

23.(A) A change to tariff item 8708.50.50 from any other heading, except from subheadings 8482.10 through 8482.80; or

(B) A change to tariff item 8708.50.50 from subheadings 8482.10 through 8482.80 or 8708.99, whether or not there is also a change from any other heading, provided there is a regional value content of not less than 50 percent under the net cost method.

24.(A) A change to subheading 8708.50 from any other heading; or

(B) A change to subheading 8708.50 from subheading 8708.99, whether or not there is also a change from any other heading, provided there is a regional value content of not less than 50 percent under the net cost method.

25.(A) A change to tariff item 8708.60.50 from any other heading, except from subheadings 8482.10 through 8482.80; or

(B) A change to tariff item 8708.60.50 from subheadings 8482.10 through 8482.80 or 8708.99, whether or not there is also a change from any other heading, provided there is a regional value content of not less than 50 percent under the net cost method.

26.(A) A change to subheading 8708.60 from any other heading; or

(B) A change to subheading 8708.60 from subheading 8708.99, whether or not there is also a change from any other heading, provided there is a regional value content of not less than 50 percent under the net cost method.

27.(A) A change to subheading 8708.70 from any other heading; or

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(B) A change to subheading 8708.70 from subheading 8708.99, whether or not there is also a change from any other heading, provided there is a regional value content of not less than 50 percent under the net cost method.

28. A change to tariff items 8708.80.15 or 8708.80.30 from any other subheading, provided there is a regional value content of not less than 50 percent under the net cost method.

29.(A) A change to subheading 8708.80 from any other heading; or

(B) A change to subheading 8708.80 from subheading 8708.99, whether or not there is also a change from any other heading, provided there is a regional value content of not less than 50 percent of the net cost method.

30.(A) A change to subheading 8708.91 from any other heading; or

(B) A change to subheading 8708.91 from subheading 8708.99, whether or not there is also a change from any other heading, provided there is a regional value content of not less than 50 percent of the net cost method.

31.(A) A change to subheading 8708.92 from any other heading; or

(B) A change to subheading 8708.92 from subheading 8708.99, whether or not there is also a change from any other heading, provided there is a regional value content of not less than 50 percent under the net cost method.

32.(A) A change to subheading 8708.93 from any other heading; or

(B) A change to subheading 8708.93 from subheading 8708.99, whether or not there is also a change from any other heading, provided there is a regional value content of not less than 50 percent under the net cost method.

33.(A) A change to subheading 8708.94 from any other heading; or

(B) A change to subheading 8708.94 from subheading 8708.99, whether or not there is also a change from any other heading, provided there is a regional value content of not less than 50 percent under the net cost method.

34. A change to tariff items 8708.99.03, 8708.99.27 or 8708.99.55 from any other subheading, provided there is a regional value content of not less than 50 percent under the net cost method.

35.(A) A change to tariff items 8708.99.06, 8708.99.31 or 8708.99.58 from any other heading, except from subheadings 8482.10 through 8482.80 or tariff items 8482.99.05, 8482.99.15 or 8482.99.25; or

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(B) A change to tariff items 8708.99.06, 8708.99.31 or 8708.99.58 from subheadings 8482.10 through 8482.80 or tariff items 8482.99.05, 8482.99.15 or 8482.99.25, whether or not there is also a change from any other heading, provided there is a regional value content of not less than 50 percent under the net cost method.

36.(A) A change to subheading 8708.99 from any other heading; or

(B) No required change in tariff classification to subheading 8708.99, provided there is a regional value content of not less than 50 percent under the net cost method.

37.(A) A change to subheadings 8709.11 through 8709.19 from any other heading; or

(B) A change to subheadings 8709.11 through 8709.19 from subheading 8709.90, whether or not there is also a change from any other heading, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

38. A change to subheading 8709.90 from any other heading.

39. A change to heading 8710 from any other heading.

40.(A) A change to heading 8711 from any other heading, except from heading 8714; or

(B) A change to heading 8711 from heading 8714, whether or not there is also a change from any other heading, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

41.(A) A change to heading 8712 from any other heading, except from heading 8714; or

(B) A change to heading 8712 from heading 8714, whether or not there is also a change from any other heading, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

42.(A) A change to heading 8713 from any other heading, except from heading 8714; or

(B) A change to heading 8713 from heading 8714, whether or not there is also a change from any other heading, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

43. A change to heading 8714 from any other heading.

44. A change to heading 8715 from any other heading.

45.(A) A change to subheadings 8716.10 through 8716.80 from any other heading; or

(B) A change to subheadings 8716.10 through 8716.80 from subheading 8716.90, whether or not there is also a change from any other heading, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

46. A change to subheading 8716.90 from any other heading.

<u>Chapter 88</u>.

1. A change to subheadings 8801.10 through 8803.90 from any other subheading, including another subheading within that group.

2. A change to headings 8804 through 8805 from any other heading, including another heading within that group.

<u>Chapter 89</u>.

1.(A) A change to headings 8901 through 8902 from any other chapter; or

(B) A change to headings 8901 through 8902 from any other heading within chapter 89, including another heading within that group, whether or not there is also a change from any other chapter, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

2. A change to heading 8903 from any other heading, provided there is a regional value content of not less than:

   (A) 60 percent where the transaction value method is used, or

   (B) 50 percent where the net cost method is used.

3.(A) A change to headings 8904 through 8905 from any other chapter; or

  (B) A change to headings 8904 through 8905 from any other heading within chapter 89, including another heading within that group, whether or not there is also a change from any other chapter, provided there is a regional value content of not less than:

    (1) 60 percent where the transaction value method is used, or

    (2) 50 percent where the net cost method is used.

4. A change to headings 8906 through 8908 from any other heading, including another heading within that group.

<u>Chapter 90</u>.

Chapter rule 1: For purposes of this chapter, the term, "printed circuit assembly", means a good consisting of one or more printed circuits of heading 8534 with one or more active elements assembled thereon, with or without passive elements. For purposes of this rule, "active elements" means diodes, transistors and similar semiconductor devices, whether or not photosensitive, of heading 8541, and integrated circuits and microassemblies of heading 8542.

Chapter rule 2: The origin of the goods of chapter 90 shall be determined without regard to the origin of any automatic data processing machines or units thereof of heading 8471, or parts and accessories thereof of heading 8473, which may be included therewith.

Chapter rule 3: Tariff item 9009.90.40 covers the following parts for photo-copying apparatus of subheading 9009.12:

(a) imaging assemblies, incorporating more than one of the following: photoreceptor belt or cylinder; toner receptacle unit; toner distribution unit; developer receptacle unit; developer distribution unit; charge/discharge unit; cleaning unit;

(b) optics assemblies, incorporating more than one of the following: lens; mirror; illumination source; document exposure glass;

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(c) user control assemblies, incorporating more than one of the following: printed circuit assembly; power supply; user input keyboard; wiring harness; display unit (cathode-ray type or flat panel);

(d) image fixing assemblies, incorporating more than one of the following: fuser; pressure roller; heating element; release oil dispenser; cleaning unit; electrical control;

(e) paper handling assemblies, incorporating more than one of the following: paper transport belt; roller; print bar; carriage; gripper roller; paper storage unit; exit tray; or

(f) combinations of the above specified assemblies.

Chapter rule 4: For the purposes of the subdivisions pertaining to this chapter, whenever the subdivision designation is underscored, the provisions of subdivision (d) of this note may apply to goods for use in a motor vehicle of chapter 87.

1.(A) A change to subheading 9001.10 from any other chapter, except from heading 7002; or

(B) A change to subheading 9001.10 from heading 7002, whether or not there is also a change from any other chapter, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

2. A change to subheadings 9001.20 through 9001.90 from any other heading.

3. A change to heading 9002 from any other heading, except from heading 9001.

4.(A) A change to subheadings 9003.11 through 9003.19 from any other heading; or

(B) A change to subheadings 9003.11 through 9003.19 from subheading 9003.90, whether or not there is also a change from any other heading, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

5. A change to subheading 9003.90 from any other heading.

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6.(A) A change to heading 9004 from any other chapter; or

(B) A change to heading 9004 from any other heading within chapter 90, whether or not there is also a change from any other chapter, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

7. A change to subheadings 9005.10 through 9005.80 from any subheading outside that group, except from headings 9001 through 9002 or tariff item 9005.90.40.

8. A change to tariff item 9005.90.40 from any other heading, except from heading 9001 or 9002.

9. A change to subheading 9005.90 from any other heading.

10.(A) A change to subheadings 9006.10 through 9006.69 from any other heading; or

(B) A change to subheadings 9006.10 through 9006.69 from subheadings 9006.91 or 9006.99, whether or not there is also a change from any other heading, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

11. A change to subheadings 9006.91 through 9006.99 from any other heading.

12.(A) A change to subheading 9007.11 from any other heading; or

(B) A change to subheading 9007.11 from subheading 9007.91, whether or not there is also a change from any other heading, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

13. A change to tariff item 9007.19.40 from any other tariff item.

14.(A) A change to subheading 9007.19 from any other heading; or

(B) A change to subheading 9007.19 from subheading 9007.91, whether or not there is also a change from any other heading, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

15.(A) A change to subheadings 9007.21 through 9007.29 from any other heading; or

(B) A change to subheadings 9007.21 through 9007.29 from subheading 9007.92, whether or not there is also a change from any other heading, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

16. A change to subheading 9007.91 from any other heading.

17.(A) A change to subheading 9007.92 from any other heading; or

(B) No required change in tariff classification to subheading 9007.92, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

18.(A) A change to subheadings 9008.10 through 9008.40 from any other heading; or

(B) A change to subheadings 9008.10 through 9008.40 from subheading 9008.90, whether or not there is also a change from any other heading, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

19. A change to subheading 9008.90 from any other heading.

20. A change to subheading 9009.11 from any other subheading.

21. A change to subheading 9009.12 from any other tariff item, except from tariff item 9009.90.40.

22. A change to subheadings 9009.21 through 9009.30 from any other subheading, including another subheading within that group.

23. A change to tariff item 9009.90.40 from tariff item 9009.90.80, or any other heading, provided that at least one of the components of such assembly named in chapter note 3 for chapter 90 is originating.

24. A change to subheading 9009.90 from any other heading.

25.(A) A change to subheadings 9010.10 through 9010.30 from any other heading; or

(B) A change to subheadings 9010.10 through 9010.30 from subheading 9010.90, whether or not there is also a change from any other heading, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

26. A change to subheading 9010.90 from any other heading.

27.(A) A change to subheadings 9011.10 through 9011.80 from any other heading; or

(B) A change to subheadings 9011.10 through 9011.80 from subheading 9011.90, whether or not there is also a change from any other heading, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

28. A change to subheading 9011.90 from any other heading.

29.(A) A change to subheading 9012.10 from any other heading; or

(B) A change to subheading 9012.10 from subheading 9012.90, whether or not there is also a change from any other heading, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

30. A change to subheading 9012.90 from any other heading.

31.(A) A change to subheadings 9013.10 through 9013.80 from any other heading; or

(B) A change to subheadings 9013.10 through 9013.80 from subheading 9013.90, whether or not there is also a change from any other heading, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

32. A change to subheading 9013.90 from any other heading.

33.(A) A change to subheadings 9014.10 through 9014.80 from any other heading; or

(B) A change to subheadings 9014.10 through 9014.80 from subheading 9014.90, whether or not there is also a change from any other heading, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

34. A change to subheading 9014.90 from any other heading.

35.(A) A change to subheadings 9015.10 through 9015.80 from any other heading; or

(B) A change to subheadings 9015.10 through 9015.80 from subheading 9015.90, whether or not there is also a change from any other heading, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

36.(A) A change to subheading 9015.90 from any other heading; or

(B) No required change in tariff classification to subheading 9015.90, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

37. A change to heading 9016 from any other heading.

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38.(A) A change to subheadings 9017.10 through 9017.80 from any other heading; or

(B) A change to subheadings 9017.10 through 9017.80 from subheading 9017.90, whether or not there is also a change from any other heading, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

39. A change to subheading 9017.90 from any other heading.

40. A change to tariff item 9018.11.30 from any other tariff item, except from tariff item 9018.11.60.

41. A change to subheading 9018.11 from any other heading.

42. A change to tariff item 9018.19.55 from any other tariff item, except from tariff item 9018.19.75.

43. A change to subheading 9018.19 from any other heading.

44. A change to subheadings 9018.20 through 9018.50 from any other heading.

45. A change to tariff item 9018.90.64 from any other tariff item, except from tariff item 9018.90.68.

46. A change to subheading 9018.90 from any other heading.

47. A change to headings 9019 through 9021 from any heading outside that group.

48. A change to subheading 9022.11 from any other subheading, except from tariff item 9022.90.05.

49. A change to subheading 9022.19 from any other subheading, except from subheading 9022.30 or tariff item 9022.90.05.

50. A change to subheading 9022.21 from any other subheading, except from tariff item 9022.90.15.

51.(A) A change to subheadings 9022.29 through 9022.30 from any other heading; or

(B) A change to subheadings 9022.29 through 9022.30 from subheading 9022.90, whether or not there is also a change from any other heading, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

52. A change to tariff item 9022.90.05 from any other tariff item.

53.(A) A change to subheading 9022.90 from any other heading; or

(B) No required change in tariff classification to subheading 9022.90, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

54. A change to heading 9023 from any other heading.

55.(A) A change to subheadings 9024.10 through 9024.80 from any other heading; or

(B) A change to subheadings 9024.10 through 9024.80 from subheading 9024.90, whether or not there is also a change from any other heading, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

56. A change to subheading 9024.90 from any other heading.

57.(A) A change to subheadings 9025.11 through 9025.80 from any other heading; or

(B) A change to subheadings 9025.11 through 9025.80 from subheading 9025.90, whether or not there is also a change from any other heading, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

58. A change to subheading 9025.90 from any other heading.

59.(A) A change to subheadings 9026.10 through 9026.80 from any other heading; or

(B) A change to subheadings 9026.10 through 9026.80 from subheading 9026.90, whether or not there is also a change from any other heading, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

60. A change to subheading 9026.90 from any other heading.

61.(A) A change to subheadings 9027.10 through 9027.50 from any other heading; or

(B) A change to subheadings 9027.10 through 9027.50 from subheading 9027.90, whether or not there is also a change from any other heading, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

62. A change to tariff item 9027.80.25 from any other subheading, except from subheading 8505.19 or tariff item 9027.90.45.

63.(A) A change to subheading 9027.80 from any other heading; or

(B) A change to subheading 9027.80 from subheading 9027.90, whether or not there is also a change from any other heading, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

64. A change to subheading 9027.90 from any other heading.

65.(A) A change to subheadings 9028.10 through 9028.30 from any other heading; or

(B) A change to subheadings 9028.10 through 9028.30 from subheading 9028.90, whether or not there is also a change from any other heading, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

66. A change to subheading 9028.90 from any other heading.

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67.(A) A change to subheadings 9029.10 through 9029.20 from any other heading; or

(B) A change to subheadings 9029.10 through 9029.20 from subheading 9029.90, whether or not there is also a change from any other heading, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

68. A change to subheading 9029.90 from any other heading.

69.(A) A change to subheading 9030.10 from any other heading; or

(B) A change to subheading 9030.10 from subheading 9030.90, whether or not there is also a change from any other heading, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

70. A change to subheadings 9030.20 through 9030.39 from any other subheading, including another subheading within that group, except from tariff items 9030.90.25 or 9030.90.65

71.(A) A change to subheadings 9030.40 through 9030.89 from any other heading; or

(B) A change to subheadings 9030.40 through 9030.89 from subheading 9030.90, whether or not there is also a change from any other heading, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

72. A change to subheading 9030.90 from any other heading.

73.(A) A change to subheadings 9031.10 through 9031.30 from any other heading; or

(B) A change to subheadings 9031.10 through 9031.30 from subheading 9031.90, whether or not there is also a change from any other heading, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

74. A change to tariff item 9031.40.40 from any other tariff item, except from subheading 8537.10 or tariff item 9031.90.45.

75.(A) A change to subheading 9031.40 from any other heading; or

(B) A change to subheading 9031.40 from subheading 9031.90, whether or not there is also a change from any other heading, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

76.(A) A change to subheading 9031.80 from any other heading; or

(B) A change to subheading 9031.80 from subheading 9031.90, whether or not there is also a change from any other heading, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

77. A change to subheading 9031.90 from any other heading.

Subheading rule: The underscoring of the designations in subdivision 78 pertains to goods provided for in subheading 9032.89 for use in a motor vehicle of chapter 87.

78.(A) A change to subheadings 9032.10 through 9032.89 from any other heading; or

(B) A change to subheadings 9032.10 through 9032.89 from subheading 9032.90, whether or not there is also a change from any other heading, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

79. A change to subheading 9032.90 from any other heading.

80. A change to heading 9033 from any other heading.

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Chapter 91.

1.(A) A change to headings 9101 through 9107 from any other chapter; or

(B) A change to headings 9101 through 9107 from heading 9114, whether or not there is also a change from any other chapter, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

2. A change to headings 9108 through 9110 from any other heading, including another heading within that group, provided there is a regional value content of not less than:

(A) 60 percent where the transaction value method is used, or

(B) 50 percent where the net cost method is used.

3. A change to subheadings 9111.10 through 9111.80 from subheading 9111.90 or any other heading, provided there is a regional value content of not less than:

(A) 60 percent where the transaction value method is used, or

(B) 50 percent where the net cost method is used; or

4. A change to subheading 9111.90 from any other heading, provided there is a regional value content of not less than:

(A) 60 percent where the transaction value method is used, or

(B) 50 percent where the net cost method is used.

5. A change to subheadings 9112.10 through 9112.80 from subheading 9112.90 or any other heading, provided there is a regional value content of not less than:

(A) 60 percent where the transaction value method is used, or

(B) 50 percent where the net cost method is used.

6. A change to subheading 9112.90 from any other heading, provided there is a regional value content of not less than:

(A) 60 percent where the transaction value method is used, or

(B) 50 percent where the net cost method is used.

7. A change to heading 9113 from any other heading, provided there is a regional value content of not less than:

(A) 60 percent where the transaction value method is used, or

(B) 50 percent where the net cost method is used.

8. A change to heading 9114 from any other heading.

Chapter 92.

1.(A) A change to headings 9201 through 9208 from any other chapter; or

(B) A change to headings 9201 through 9208 from heading 9209, whether or not there is also a change from any other chapter, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

2. A change to heading 9209 from any other heading.

Chapter 93.

1.(A) A change to headings 9301 through 9304 from any other chapter; or

(B) A change to headings 9301 through 9304 from heading 9305, whether or not there is also a change from any other chapter, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

2. A change to heading 9305 from any other heading.

3. A change to headings 9306 through 9307 from any other chapter.

Chapter 94.

Chapter rule 1: For the purposes of the subdivisions pertaining to this chapter, whenever the subdivision designation is underscored, the provisions of subdivision (d) of this note may apply to goods for use in a motor vehicle of chapter 87.

Subheading rule: The underscoring of the designations in subdivision 1 pertains to goods provided for in subheading 9401.20 for use in a motor vehicle of chapter 87.

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1.(A) A change to subheadings 9401.10 through 9401.80 from any other chapter; or

(B) A change to subheadings 9401.10 through 9401.80 from subheading 9401.90, whether or not there is also a change from any other chapter, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

2. A change to subheading 9401.90 from any other heading.

3. A change to heading 9402 from any other chapter.

4.(A) A change to subheadings 9403.10 through 9403.80 from any other chapter; or

(B) A change to subheadings 9403.10 through 9403.80 from subheading 9403.90, whether or not there is also a change from any other chapter, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

5. A change to subheading 9403.90 from any other heading.

6. A change to subheadings 9404.10 through 9404.30 from any other chapter.

7. A change to subheading 9404.90 from any other chapter, except from headings 5007, 5111 through 5113, 5208 through 5212, 5309 through 5311, 5407 through 5408 or 5512 through 5516.

8.(A) A change to subheadings 9405.10 through 9405.60 from any other chapter; or

(B) A change to subheadings 9405.10 through 9405.60 from subheadings 9405.91 through 9405.99, whether or not there is also a change from any other chapter, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

9. A change to subheadings 9405.91 through 9405.99 from any other heading.

10. A change to heading 9406 from any other chapter.

Chapter 95.

1. A change to heading 9501 from any other chapter.

2.(A) A change to subheading 9502.10 from any other chapter; or

(B) A change to subheading 9502.10 from subheadings 9502.91 through 9502.99, whether or not there is also a change from any other chapter, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

3. A change to subheadings 9502.91 through 9502.99 from any other heading.

4. A change to headings 9503 through 9505 from any other chapter.

5. A change to subheadings 9506.11 through 9506.29 from any other chapter.

6.(A) A change to subheading 9506.31 from any other chapter; or

(B) A change to subheading 9506.31 from subheading 9506.39, whether or not there is also a change from any other chapter, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

7. A change to subheading 9506.32 from any other chapter.

8. A change to subheading 9506.39 from any other chapter.

9. A change to subheadings 9506.40 through 9506.99 from any other chapter.

10. A change to headings 9507 through 9508 from any other chapter.

Chapter 96.

1. A change to headings 9601 through 9605 from any other chapter.

2. A change to subheading 9606.10 from any other chapter.

3.(A) A change to subheadings 9606.21 through 9606.29 from any other chapter; or

(B) A change to subheadings 9606.21 through 9606.29 from subheading 9606.30, whether or not there is also a change from any other chapter, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

4. A change to subheading 9606.30 from any other heading.

5.(A) A change to subheadings 9607.11 through 9607.19 from any other chapter; or

(B) A change to subheadings 9607.11 through 9607.19 from subheading 9607.20, whether or not there is also a change from any other chapter, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

6. A change to subheading 9607.20 from any other heading.

7.(A) A change to subheadings 9608.10 through 9608.50 from any other chapter; or

(B) A change to subheadings 9608.10 through 9608.50 from subheadings 9608.60 through 9608.99, whether or not there is also a change from any other chapter, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

8. A change to subheadings 9608.60 through 9608.99 from any other heading.

9. A change to headings 9609 through 9612 from any other chapter.

10.(A) A change to subheadings 9613.10 through 9613.80 from any other chapter; or

(B) A change to subheadings 9613.10 through 9613.80 from subheading 9613.90, whether or not there is also a change from any other

chapter, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

11. A change to subheading 9613.90 from any other heading.

12. A change to subheading 9614.10 from any other chapter.

13. A change to subheading 9614.20 from any other subheading, except from subheading 9614.90.

14. A change to subheading 9614.90 from any other heading.

15.(A) A change to subheadings 9615.11 through 9615.19 from any other chapter; or

(B) A change to subheadings 9615.11 through 9615.19 from subheading 9615.90, whether or not there is also a change from any other chapter, provided there is a regional value content of not less than:

(1) 60 percent where the transaction value method is used, or

(2) 50 percent where the net cost method is used.

16. A change to subheading 9615.90 from any other heading.

17. A change to headings 9616 through 9618 from any other chapter.

Chapter 97. A change to headings 9701 through 9706 from any other chapter."

12. General notes 4, 5, 6, 7, 8, and 9 to the HTS are redesignated as general notes 13, 14, 15, 16, 17, and 18, respectively.

Annex II

Modifications to the Harmonized Tariff Schedule of the United States ("HTS")

The HTS is modified as provided below, with bracketed matter included to assist in the understanding of proclaimed modifications. The following supersedes matter in the HTS. The subheadings and superior text are set forth in columnar format, and material in such columns is inserted in the columns of the HTS designated "Heading/Subheading", "Article Description", "Rates of Duty 1 General", "Rates of Duty 1 Special" and "Rates of Duty 2", respectively.

Section (A). Effective with respect to goods entered, or withdrawn from warehouse for consumption, on or after January 1, 1994, or if the NAFTA does not enter into force on January 1, 1994, on or after such later date as the NAFTA enters into force.

1. Additional U.S. note 1 to chapter 11 is modified by deleting "general note 3(c)" and inserting "general notes 4 through 12, inclusive," in lieu thereof and by inserting in the parentheses following the "Free" rate the symbol "MX" in alphabetical order.

2. Additional U.S. note 3 to chapter 16 is modified by deleting "general note 3(c)(viii)(C)" and inserting "general note 10(c)" in lieu thereof.

3. On October 1, 1994, the note to subdivision (b)(i) of additional U.S. note 3 to chapter 17 is modified by deleting "Mexico,".

4(a). For subheadings 1702.90.31 and 2106.90.11, the Rates of Duty 1 General subcolumn is modified by deleting the rate set forth in such subcolumn and inserting "1.4606¢/kg of total sugars" in lieu thereof;

(b). For subheadings 1702.90.31, 1702.90.32, 2106.90.11 and 2106.90.12, the Rates of Duty 1 Special subcolumn is modified by deleting the "(CA)" symbol and the rate preceding such symbol and inserting "0.5842¢/kg of total sugars (CA)" in lieu thereof; and

(c). For subheading 2106.90.12, the Rates of Duty 1 General subcolumn is modified by deleting the rate set forth in such subcolumn and inserting "37.386¢/kg of total sugars" in lieu thereof.

5(a). Subheadings 1901.10.00, 1901.20.00, 1901.90.30, 1901.90.40 and 1901.90.80 are superseded and the following inserted in numerical sequence:

	[Malt extract; food preparations...:]			
"1901.10	Preparations for infant use, put up for retail sale:			
1901.10.10	Containing over 10 percent by weight of milk solids	17.5%	Free (E,IL,J) 7% (CA) See 9906.19.01-9906.19.04 (MX)	35%
1901.10.90	Other	17.5%	Free (E,IL,J) 7% (CA) See 9906.19.01-9906.19.04 (MX)	35%

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Section (A). (con.)

5(a). (con.)

	[Malt extract; food preparations...:] [(con.)]			
1901.20	Mixes and doughs for the preparation of bakers' wares of heading 1905:			
1901.20.10	Containing over 25 percent by weight of butterfat, not put up for retail sale.......	10%	Free (A,E,IL,J) 4% (CA) See 9906.19.05-9906.19.14 (MX)	20%
1901.20.90	Other.......................................	10%	Free (A,E,IL,J) 4% (CA) See 9906.19.05-9906.19.14 (MX)	20%
	[Other:]			
	Malted milk; articles of milk or cream not specially provided for:			
1901.90.31	Dairy preparations containing over 10 percent by weight of milk solids.......	17.5%	Free (E,IL,J) 7% (CA) See 9906.19.15-9906.19.19 (MX)	35%
1901.90.39	Other..................................	17.5%	Free (E,IL,J) 7% (CA) See 9906.19.20-9906.19.23 (MX)	35%
	[Other:]			
	Containing over 5.5 percent by weight of butterfat and not packaged for retail sale:			
1901.90.41	Dairy preparations containing over 10 percent by weight of milk solids......................	16%	Free (E,IL,J) 6.4% (CA) See 9906.19.24-9906.19.27 (MX)	20%
1901.90.49	Other.............................	16%	Free (E,IL,J) 6.4% (CA) See 9906.19.24-9906.19.27 (MX)	20%
	[Other:]			
	Subject to quotas established pursuant to section 22 of the Agricultural Adjustment Act, as amended:			
1901.90.81	Dairy preparations containing over 10 percent by weight of milk solids.....	10%	Free (E,IL,J) 4% (CA) See 9906.19.28-9906.19.38 (MX)	20%
1901.90.89	Other.........................	10%	Free (E,IL,J) 4% (CA) See 9906.19.28-9906.19.38 (MX)	20%"

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Section (A). (con.)

5. (con.)
(b). Conforming changes:
(i) The article description for subheading 9904.10.60 is modified by deleting "1901.10.00, 1901.90.30" and inserting "1901.10, 1901.90.31, 1901.90.39" in lieu thereof.
(ii) The article descriptions for subheadings 9904.10.75, 9904.10.81 and 9904.60.60 and for heading 9904.50.40 are modified by deleting "1901.90.80" and inserting "1901.90.81, 1901.90.89" in lieu thereof.
(iii) The superior text to subheading 9904.10.81 is modified by deleting "or 1901.90.30" and inserting ", 1901.90.31 or 1901.90.39" in lieu thereof and the superior text to subheading 9904.10.81 and the article description for subheading 9904.10.81 are modified by deleting "subheading 1901.90.30" and inserting "subheading 1901.90.31 or 1901.90.39" in lieu thereof.
(iv) The article description for subheading 9904.10.81 is modified by deleting "1901.90.40" and inserting "1901.90.41, 1901.90.49" in lieu thereof.

6. Subheading 2008.11.00 is superseded by:

	[Fruit, nuts and other...:]			
	[Nuts, peanuts...:]			
"2008.11	Peanuts (ground-nuts):			
2008.11.10	Peanut butter..........................	6.6¢/kg	Free (E,IL,J) 2.6¢/kg (CA) [See Annex III(B) to this Proclamation] (MX)	15¢/kg
2008.11.20	Blanched peanuts......................	6.6¢/kg	Free (E,IL,J) 2.6¢/kg (CA) See 9906.20.03-9906.20.05 (MX)	15¢/kg
2008.11.90	Other..................................	6.6¢/kg	Free (E,IL,J) 2.6¢/kg (CA) See 9906.20.03-9906.20.05 (MX)	15¢/kg"

7(a). Subheading 2101.10.20 is superseded by:

	[Extracts, essences and concentrates...:]			
	[Extracts, essences and concentrates...:]			
	"Extracts, essences and concentrates:			
2101.10.21	Instant coffee, not flavored...........	Free		Free
2101.10.29	Other..................................	Free		Free"

(b). Conforming change: The article description for subheading 9903.23.20 is modified by deleting "2101.10.20" and inserting "2101.10.21" in lieu thereof.

Annex II (con.)

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Section (A). (con.)

8(a). Subheadings 2106.90.15, 2106.90.19, 2106.90.40, 2106.90.50 and 2106.90.65 are superseded and the following inserted in numerical sequence:

	[Food preparations not elsewhere...:] [Other:] "Butter substitutes, whether in liquid or solid state, containing over 15 percent by weight of butter or other fats or oils derived from milk:			
2106.90.13	Containing over 10 percent by weight of milk solids..........................	15.4¢/kg	Free (E,IL,J) 6.1¢/kg (CA) See 9906.21.31-9906.21.34 (MX)	31¢/kg
2106.90.14	Other..................................	15.4¢/kg	Free (E,IL,J) 6.1¢/kg (CA) See 9906.21.31-9906.21.34 (MX)	31¢/kg
	[Fruit or vegetable juices,...:] Other:			
2106.90.17	Juice of any single fruit or vegetable.........................	The rate applicable to the natural juice in heading 2009	Free (E,J) The rate applicable to the natural juice in heading 2009 (A,CA,IL,MX)	The rate applicable to the natural juice in heading 2009
2106.90.18	Mixtures of juices................	The rate applicable to the natural juice in heading 2009	Free (E,J) The rate applicable to the natural juice in heading 2009 (A,CA,IL,MX)	The rate applicable to the natural juice in heading 2009
	[Other:] [Other:] Containing over 5.5 percent by weight of butterfat and not packaged for retail sale:			
2106.90.41	Containing over 10 percent by weight of milk solids.....	16%	Free (E,IL,J) 6.4% (CA) See 9906.21.37-9906.21.40 (MX)	20%
2106.90.49	Other........................	16%	Free (E,IL,J) 6.4% (CA) See 9906.21.37-9906.21.40 (MX)	20%
	[Other:] Subject to quotas established pursuant to section 22 of the Agricultural Adjustment Act, as amended:			
2106.90.51	Containing over 10 percent by weight of milk solids.............	10%	Free (E,IL,J) 4% (CA) See 9906.21.41-9906.21.54 (MX)	20%
2106.90.59	Other...................	10%	Free (E,IL,J) 4% (CA) See 9906.21.41-9906.21.54 (MX)	20%

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Section (A). (con.)

8(a). (con.):

	[Food preparations not elsewhere...:] [(con.)] [Other:] [(con.)] [Other:] [(con.)] [Other:] [(con.)] [Other:] [(con.)] Other:			
2106.90.61	Containing over 10 percent by weight of milk solids............	10%	Free (A,E,IL,J,MX) 4% (CA)	20%
2106.90.69	Other..................	10%	Free (A,E,IL,J,MX) 4% (CA)	20%"

(b). Conforming changes:

(i) Additional U.S. notes 1 and 2 to chapter 21 are modified by deleting "and 2106.90.19" and inserting ", 2106.90.17 and 2106.90.18" in lieu thereof.

(ii) Additional U.S. note 1 to chapter 21 is modified by deleting "or 2202.90.39" and inserting ", 2202.90.36 or 2202.90.37" in lieu thereof.

(iii) The article description for subheading 9904.10.24 is modified by deleting "or 2106.90.15" and inserting ", 2106.90.13 or 2106.90.14" in lieu thereof.

(iv) The article description for subheading 9904.10.81 is modified by deleting "2106.90.40" and inserting "2106.90.41, 2106.90.49" in lieu thereof.

(v) The article descriptions for subheadings 9904.10.81 and 9904.60.60 and for headings 9904.50.20 and 9904.50.40 are modified by deleting "or 2106.90.50" and inserting ", 2106.90.51 or 2106.90.59" in lieu thereof.

(vi) The article description for subheading 9905.21.10 is modified by deleting "2106.90.65" and inserting "2106.90.61 or 2106.90.69" in lieu thereof.

9(a). Subheading 2202.90.39 is superseded by:

	[Waters, including...:] [Other:] [Fruit or vegetable juices...:] "Other:			
2202.90.36	Juice of any single fruit or vegetable.........................	The rate applicable to the natural juice in heading 2009	Free (E,J) The rate applicable to the natural juice in heading 2009 (A,CA,IL,MX)	The rate applicable to the natural juice in heading 2009
2202.90.37	Mixtures of juices...............	The rate applicable to the natural juice in heading 2009	Free (E,J) The rate applicable to the natural juice in heading 2009 (A,CA,IL,MX)	The rate applicable to the natural juice in heading 2009"

(b). Conforming change: Additional U.S. note 2 to chapter 22 is modified by deleting "and 2202.90.39" and inserting ", 2202.90.36 and 2202.90.37" in lieu thereof, and by deleting "or 2106.90.19" and inserting ", 2106.90.17 or 2106.90.18" in lieu thereof.

Annex II (con.)
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Section (A). (con.)

10(a). Subheading 2309.90.30 is superseded by:

	[Preparations of a kind...:]			
	[Other:]			
	[Other:]			
	"Animal feeds containing milk or milk derivatives:			
2309.90.31	Containing over 10 percent by weight of milk solids............	7.5%	Free (CA,E,IL,J) See 9906.23.01-9906.23.03 (MX)	20%
2309.90.39	Other............................	7.5%	Free (CA,E,IL,J) See 9906.23.01-9906.23.03 (MX)	20%"

(b). Conforming change: The article description for subheading 9904.10.69 is modified by deleting "2309.90.30" and inserting "2309.90.31 or 2309.90.39" in lieu thereof.

11. Subheading 2401.10.20 is superseded by:

	[Unmanufactured tobacco...:]			
	[Tobacco, not stemmed/stripped:]			
	"Containing over 35 percent wrapper tobacco:			
2401.10.21	Wrapper tobacco.......................	79.4¢/kg	Free (A,E,IL,J,MX) 31.7¢/kg (CA)	$5.02/kg
2401.10.29	Other................................	79.4¢/kg	Free (A,E,IL,J,MX) 31.7¢/kg (CA)	$5.02/kg"

12. For subheading 2824.10.00, the Rates of Duty 1 General subcolumn is modified by deleting the rate set forth in such subcolumn and inserting "3%" in lieu thereof.

13. Subheadings 3809.99, 3809.99.10 and 3809.99.50 are renumbered as 3809.93, 3809.93.10 and 3809.93.50, respectively.

14(a). Subheadings 4008.19.10, 4008.19.50 and 4008.29.00 are superseded and the following inserted in numerical sequence:

	[Plates, sheets, strip,...:]			
	[Of cellular rubber:]			
	[Other:]			
	"Of natural rubber:			
4008.19.20	Profile shapes....................	4.2%	Free (A,E,IL,J,MX) 1.6% (CA)	25%
4008.19.40	Other............................	4.2%	Free (A,E,IL,J,MX) 1.6% (CA)	25%
	Other:			
4008.19.60	Profile shapes....................	6.6%	Free (A,E,IL,J,MX) 2.6% (CA)	50%
4008.19.80	Other............................	6.6%	Free (A,E,IL,J,MX) 2.6% (CA)	50%

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Section (A). (con.)

14(a). (con.):

	[Plates, sheets, strip,...:] [(con.)]			
	[Of noncellular rubber:]			
4008.29	Other:			
4008.29.20	Profile shapes.........................	5.8%	Free (A,B,C,E,IL, J,MX) 2.3% (CA)	35%
4008.29.40	Other..................................	5.8%	Free (A,B,E,IL,J, MX) 2.3% (CA)	35%"

(b). Conforming change: The article description for subheading 9905.40.12 is modified by deleting "4008.29.00" and inserting "4008.29" in lieu thereof.

15. Subheadings 4012.20.20 and 4012.20.50 are superseded by:

	[Retreaded or used pneumatic tires...:]			
	[Used pneumatic tires:]			
	"Designed for tractors provided for in subheading 8701.90.10 or for agricultural or horticultural machinery or implements provided for in chapter 84 or in subheading 8716.80.10:			
4012.20.15	Of a kind used on vehicles, including tractors, for the on-highway transport of passengers or goods.......	Free		Free
4012.20.45	Other..................................	Free		Free
	Other:			
4012.20.60	Of a kind used on vehicles, including tractors, for the on-highway transport of passengers or goods, or on vehicles of heading 8705............	4%	Free (E,IL,J,MX) 1.6% (CA)	10%
4012.20.80	Other..................................	4%	Free (E,IL,J,MX) 1.6% (CA)	10%"

16(a). Subheadings 4016.93.00, 4016.99.25 and 4016.99.50 are superseded and the following inserted in numerical sequence:

	[Other articles of vulcanized...:]			
	[Other:]			
"4016.93	Gaskets, washers and other seals:			
4016.93.10	Of a kind used in the automotive goods of chapter 87....................	3.5%	Free (A,B,E,IL, J,MX) 1.4% (CA)	25%
4016.93.50	Other..................................	3.5%	Free (A,C,E,IL, J,MX) 1.4% (CA)	25%

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Section (A). (con.)

16(a). (con.):

	[Other articles of vulcanized...:] [(con.)]			
	[Other:] [(con.)]			
	[Other:]			
	[Other:]			
	Of natural rubber:			
4016.99.30	Vibration control goods of a kind used in the vehicles of headings 8701 through 8705	4.2%	Free (A*,B,E,IL, J,MX) 1.6% (CA)	35%
4016.99.35	Other	4.2%	Free (A*,B,E,IL, J,MX) 1.6% (CA)	35%
	Other:			
4016.99.55	Vibration control goods of a kind used in the vehicles of headings 8701 through 8705	5.3%	Free (A,B,E,IL, J,MX) 2.1% (CA)	80%
4016.99.60	Other	5.3%	Free (A,B,C,E,IL, J,MX) 2.1% (CA)	80%"

(b). Conforming changes:

(i) General note 4(d) is modified by deleting "4016.99.25 Thailand" and inserting "4016.99.30 Thailand" and "4016.99.35 Thailand" in numerical sequence in lieu thereof.

(ii) The article descriptions for subheadings 9905.40.09, 9905.40.18 and 9905.40.40 are modified by deleting "4016.99.25 or 4016.99.50" and inserting "4016.99.35 or 4016.99.60" in lieu thereof.

(iii) The article descriptions for subheadings 9905.40.20 and 9905.40.30 are modified by deleting "4016.93.00" and inserting "4016.93" in lieu thereof.

17. Subheading 4105.19.00 is superseded by:

	[Sheep or lamb skin leather...:]			
	[Pretanned or retanned...:]			
"4105.19	Other:			
4105.19.10	Wet blues	5%	Free (CA,E,IL,J,MX)	25%
4105.19.20	Other	5%	Free (CA,E,IL,J,MX)	25%"

18(a). Subheading 4106.19.00 is superseded by:

	[Goat or kid skin leather...:			
	[Pretanned, tanned...:]			
"4106.19	Other:			
4106.19.20	Wet blues	3.7%	Free (A*,CA,E,IL, J,MX)	25%
4106.19.30	Other	3.7%	Free (A*,CA,E,IL, J,MX)	25%"

(b). Conforming change: General note 4(d) is modified by deleting "4106.19.00 India" and inserting "4106.19.20 India" and "4106.19.30 India" in numerical sequence in lieu thereof.

Annex II (con.)
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Section (A). (con.)

19. Subheading 4107.10.00 is superseded by:

	[Leather of other animals...:]			
"4107.10	Of swine:			
4107.10.20	Wet blues	4.2%	Free (CA,E,IL,J) [See Annex III(B) to this Proclamation] (MX)	25%
4107.10.30	Other	4.2%	Free (CA,E,IL,J) [See Annex III(B) to this Proclamation] (MX)	25%"

20. The additional U.S. notes to section XI are modified by the insertion of the following new additional U.S. notes:

"3. (a) The rate of duty in the "Special" subcolumn of rates of duty column 1 followed by the symbol "CA" in parentheses shall apply to imports from Canada, up to the annual quantities specified in subdivision (f) of this note, of apparel goods provided for in chapters 61 and 62 that are both cut (or knit to shape) and sewn or otherwise assembled in the territory of a NAFTA party from fabric or yarn produced or obtained outside the territory of one of the NAFTA parties.

(b) The rate of duty in the "Special" subcolumn of rates of duty column 1 followed by the symbol "MX" in parentheses shall apply to imports from Mexico, up to the annual quantities specified in subdivisions (g)(i) of this note, of apparel goods provided for in chapters 61 and 62 that are both cut (or knit to shape) and sewn or otherwise assembled in the territory of a NAFTA party from fabric or yarn produced or obtained outside the territory of one of the NAFTA parties.

(c) The rate of duty in the "Special" subcolumn of rates of duty column 1 followed by the symbol "MX" in parentheses shall apply to imports from Mexico, up to the annual quantities specified in subdivision (g)(ii) of this note, of textile or apparel goods provided for in chapters 61, 62 and 63 that are sewn or otherwise assembled in the territory of Mexico, from fabric cut in the territory of the United States, such fabric having been knit or woven outside the territory of the United States or Mexico, which (i) were exported from the United States in condition ready for assembly without further fabrication, (ii) have not lost their physical identity in such articles by change in form, shape or otherwise, and (iii) have not been advanced in value or improved in condition in Mexico except by being assembled and except by operations incidental to the assembly process. This subdivision shall not apply after quantitative restrictions established pursuant to the Multifiber Arrangement or any successor agreement are terminated.

(d) Notwithstanding the provisions of subdivisions (b) and (c) of this note, the rate of duty in the "Special" subcolumn of rates of duty column 1 followed by the symbol "MX" in parentheses shall not apply to imports from Mexico of the following:

(i) apparel goods provided for in chapters 61 and 62, in which the fabric that determines the tariff classification of the good is classified in one of the following subheadings--

(A) blue denim: subheadings 5209.42, 5211.42, 5212.24.60 and 5514.32.00; and

(B) fabric woven as plain weave where two or more warp ends are woven as one (oxford cloth) or average yarn number less than 135 metric number: subheadings 5208.19, 5208.29, 5208.39, 5208.49, 5208.59, 5210.19, 5210.29, 5210.39, 5210.49, 5210.59, 5512.11, 5512.19, 5513.13, 5513.23, 5513.33, and 5513.43;

(ii) apparel goods provided for in subheadings 6107.11.00, 6107.12.00, 6109.10.00 and 6109.90.00 if such goods are composed chiefly of circular knit fabric of yarn number equal to or less than 100 metric number; and

(iii) sweaters provided for in subheading 6110.30 and goods of these subheadings that are classified as parts of ensembles in subheading 6103.23 or 6104.23.

(e) Notwithstanding the provisions of subdivision (b) of this note, the rate of duty in the "Special" subcolumn of rates of duty column 1 followed by the symbol "MX" in parentheses shall not apply to imports from Mexico of apparel goods provided for in subheadings 6108.21 and 6108.22 if such goods are composed chiefly of circular knit fabric of yarn number equal to or less than 100 metric number.

Annex II (con.)
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Section (A). (con.)

20. (con.):

(f) The annual quota limits for imports from Canada under subdivision (a) of this note shall be as follows:

(i) cotton or man-made fiber apparel:
1994-- 80,000,000 SME
1995-- 81,600,000 SME
1996-- 83,232,000 SME
1997-- 84,896,640 SME
1998-- 86,594,573 SME
1999 and subsequent years-- 88,326,464 SME

Of the annual quota limits for imports from Canada of cotton or man-made fiber apparel listed in this subdivision, no more than the quantities listed below shall be made from fabrics which are knit or woven in territory outside of a NAFTA party:

1994-- 60,000,000 SME
1995-- 60,600,000 SME
1996-- 61,206,000 SME
1997-- 61,818,060 SME
1998-- 62,436,241 SME
1999 and subsequent years-- 63,060,603 SME

(ii) wool apparel:
1994-- 5,066,948 SME
1995-- 5,117,617 SME
1996-- 5,168,794 SME
1997-- 5,220,482 SME
1998-- 5,272,686 SME
1999 and subsequent years-- 5,325,413 SME

Of the annual quota limits for imports from Canada of wool apparel listed in this subdivision, no more than 5,016,780 SME shall be men's or boys' wool suits of apparel category 443.

(g) The annual quota limits for imports from Mexico, on or after January 1, 1994, shall be as follows:
(i) of goods under subdivision (b) of this note--
(A) cotton or man-made fiber apparel: 45,000,000 SME
(B) wool apparel: 1,500,000 SME
(ii) of goods under subdivision (c) of this note: 25,000,000 SME

(h) As used in this note, the term "SME" means square meter equivalent as determined in accordance with the conversion factors set out in schedule 3.1.3 to Annex 300-B of the NAFTA.

4. (a) The rate of duty in the "Special" subcolumn of rates of duty column 1 followed by the symbol "CA" in parentheses shall apply to imports from Canada, up to the annual quantities specified in subdivision (c) of this note, of cotton or man-made fiber fabric and cotton or man-made fiber made-up textile goods provided for in chapters 52 through 55 (excluding goods containing 36 percent or more by weight of wool or fine animal hair), 58, 60 and 63, that are woven or knit in the territory of a NAFTA party from yarn produced or obtained outside the territory of one of the NAFTA parties, or knit in the territory of a NAFTA party from yarn spun in the territory of a NAFTA party from fiber produced or obtained outside the territory of one of the NAFTA parties, and to goods of subheading 9404.90 that are finished and cut and sewn or otherwise assembled from fabrics of subheadings 5208.11 through 5208.29, 5209.11 through 5209.29, 5210.11 through 5210.29, 5211.11 through 5211.29, 5212.11, 5212.12, 5212.21, 5212.22, 5407.41, 5407.51, 5407.71, 5407.81, 5407.91, 5408.21, 5408.31, 5512.11, 5512.21, 5512.91, 5513.11 through 5513.19, 5514.11 through 5514.19, 5516.11, 5516.21, 5516.31, 5516.41 or 5516.91 produced or obtained outside the territory of one of the NAFTA parties.

(b) The rate of duty in the "Special" subcolumn of rates of duty column 1 followed by the symbol "MX" in parentheses shall apply to imports from Mexico, up to the annual quantities specified in subdivision (d) of this note, of cotton or man-made fiber fabric and cotton or man-made fiber made-up textile goods provided for in chapters 52 through 55 (excluding goods containing 36 percent or more by weight of wool or fine animal hair), 58, 60 and 63, that are woven or knit in the territory of a NAFTA party from yarn produced or obtained outside the territory of one of the NAFTA parties, or knit in the territory of a NAFTA party from yarn spun in the territory of a NAFTA party from fiber produced or obtained outside the territory of one of the NAFTA parties, and to goods of subheading 9404.90 that are finished and cut and sewn or otherwise assembled from fabrics of subheadings 5208.11 through 5208.29, 5209.11 through 5209.29, 5210.11 through 5210.29, 5211.11 through 5211.29, 5212.11, 5212.12, 5212.21, 5212.22, 5407.41, 5407.51, 5407.71, 5407.81, 5407.91, 5408.21, 5408.31, 5512.11, 5512.21, 5512.91, 5513.11 through 5513.19, 5514.11 through 5514.19, 5516.11, 5516.21, 5516.31, 5516.41 or 5516.91 produced or obtained outside the territory of one of the NAFTA parties.

Annex II (con.)
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Section (A). (con.)

20. (con.):

(c) The annual quota limits for imports from Canada under subdivision (a) of this note shall be as follows:

1994-- 65,000,000 SME
1995-- 66,300,000 SME
1996-- 67,626,000 SME
1997-- 68,978,520 SME
1998-- 70,358,090 SME
1999 and subsequent years-- 71,765,252 SME

Of the annual quantity of imports from Canada listed in this subdivision, no more than the quantity listed below may be in goods of chapters 52 through 55, 58 and 63 (other than subheading 6302.10, 6302.40, 6303.11, 6303.12, 6303.19, 6304.11 or 6304.91); and, of the annual quantity of imports from Canada listed in this subdivision, no more than the quantity listed below may be in goods of chapter 60 and subheading 6302.10, 6302.40, 6303.11, 6303.12, 6303.19, 6304.11 or 6304.91.

1994-- 35,000,000 SME
1995-- 35,700,000 SME
1996-- 36,414,000 SME
1997-- 37,142,280 SME
1998-- 37,885,126 SME
1999 and subsequent years-- 38,642,828 SME

For purposes of this subdivision, the number of SME that will be counted against the quota level on imports from Canada shall be:

(i) for textile goods that are not originating because certain non-originating textile materials do not undergo the applicable change in tariff classification set out in subdivision (t) of general note 12 for that good, but where such materials are 50 percent or less by weight of the materials of that good, only 50 percent of the SME for that good; and

(ii) for textile goods that are not originating because certain non-originating textile materials do not undergo the applicable change in tariff classification set out in subdivision (t) of general note 12 for that good, but where such materials are more than 50 percent by weight of the materials of that good, 100 percent of the SME for that good.

(d) The annual quota limits for imports from Mexico under subdivision (b) of this note shall be 24,000,000 SME.

Of the 24,000,000 SME annual quantity of imports from Mexico under this subdivision, no more than 18,000,000 SME may be in goods of chapter 60 and subheading 6302.10, 6302.40, 6303.11, 6303.12, 6303.19, 6304.11 or 6304.91; and no more than 6,000,000 may be in goods of chapters 52 through 55, 58 and 63 (other than subheading 6302.10, 6302.40, 6303.11, 6303.12, 6303.19, 6304.11 or 6304.91).

(e) As used in this note, the term "SME" means square meter equivalent as determined in accordance with the conversion factors set out in schedule 3.1.3 to Annex 300-B of the NAFTA.

5. (a) The rate of duty in the "Special" subcolumn of rates of duty column 1 followed by the symbol "CA" in parentheses shall apply to imports from Canada, up to the annual quantities specified in subdivision (c) of this note, of cotton or man-made fibers yarns provided for in headings 5205 through 5207 or 5509 through 5511 that are spun in the territory of a NAFTA party from fiber of headings 5201 through 5203 or 5501 through 5507, produced or obtained outside the territory of one of the NAFTA parties.

(b) The rate of duty in the "Special" subcolumn of rates of duty column 1 followed by the symbol "MX" in parentheses shall apply to imports from Mexico, up to the annual quantities specified in subdivision (d) of this note, of cotton or man-made fibers yarns provided for in headings 5205 through 5207 or 5509 through 5511 that are spun in the territory of a NAFTA party from fiber of headings 5201 through 5203 or 5501 through 5507, produced or obtained outside the territory of one of the NAFTA parties.

Annex II (con.)
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Section (A). (con.)

20. (con.):

(c) The annual quota limits for imports from Canada under subdivision (a) of this note shall be as follows:

1994-- 10,700,000 kg
1995-- 10,914,000 kg
1996-- 11,132,280 kg
1997-- 11,354,926 kg
1998-- 11,582,024 kg
1999 and subsequent years-- 11,813,665 kg

(d) The annual quota limits for imports from Mexico under subdivision (b) of this note shall be 1,000,000 kg.

6. Textile or apparel goods that enter the territory of the United States under the provisions of additional U.S. note 3, 4 or 5 to this section shall not be considered to be originating goods as provided in general note 12 to the tariff schedule."

21. Subheadings 5402.43.00 and 5402.52.00 are superseded and the following inserted in numerical sequence:

	[Synthetic filament yarn...:]			
	[Other yarn, single, untwisted...:]			
"5402.43	Of polyesters, other:			
5402.43.10	Wholly of polyester, measuring not less than 75 decitex but not more than 80 decitex, and having 24 filaments per yarn.....................	10%	1% (IL) 4% (CA) [See Annex III(B) to this Proclamation] (MX)	50%
5402.43.90	Other..................................	10%	1% (IL) 4% (CA) [See Annex III(B) to this Proclamation] (MX)	50%
	[Other yarn, single, with...:]			
5402.52	Of polyesters:			
5402.52.10	Wholly of polyester, measuring not less than 75 decitex but not more than 80 decitex, and having 24 filaments per yarn.....................	10%	Free (IL,MX) 4% (CA)	50%
5402.52.90	Other..................................	10%	Free (IL,MX) 4% (CA)	50%"

Annex II (con.)
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Section (A). (con.)

22(a). Subheadings 5407.60.05, 5407.60.10 and 5407.60.20 are superseded and the following inserted in numerical sequence:

	[Woven fabrics of synthetic...:]			
	[Other woven fabrics...:]			
	"Dyed, measuring less than 77 cm in width or less than 77 cm between selvages, the thread count of which per cm (treating multiple (folded) or cabled yarns as single threads) is over 69 but not over 142 in the warp and over 31 but not over 71 in the filling:			
5407.60.11	Wholly of polyester, of single yarns measuring not less than 75 decitex but not more than 80 decitex, having 24 filaments per yarn and with a twist of 900 or more turns per meter...	24.3¢/kg + 22.5%	2.4¢/kg + 2.3% (IL) 9.7¢/kg + 9% (CA) [See Annex III(B) to this Proclamation] (MX)	24.3¢/kg + 81%
5407.60.19	Other..................................	24.3¢/kg + 22.5%	2.4¢/kg + 2.3% (IL) 9.7¢/kg + 9% (CA) [See Annex III(B) to this Proclamation] (MX)	24.3¢/kg + 81%
	Of yarns of different colors, the thread count of which per cm (treating multiple (folded) or cabled yarns as single threads) is over 69 but not over 142 in the warp and over 31 but not over 71 in the filling:			
5407.60.21	Wholly of polyester, of single yarns measuring not less than 75 decitex but not more than 80 decitex, having 24 filaments per yarn and with a twist of 900 or more turns per meter...	24.3¢/kg + 22.5%	2.4¢/kg + 2.3% (IL) 9.7¢/kg + 9% (CA) [See Annex III(B) to this Proclamation] (MX)	24.3¢/kg + 81%
5407.60.29	Other..................................	24.3¢/kg + 22.5%	2.4¢/kg + 2.3% (IL) 9.7¢/kg + 9% (CA) [See Annex III(B) to this Proclamation] (MX)	24.3¢/kg + 81%

Annex II (con.)
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Section (A). (con.)

22(a). (con.):

	[Woven fabrics of synthetic...:] [(con.)]			
	[Other woven fabrics...:] [(con.)]			
	Other:			
5407.60.91	Wholly of polyester, of single yarns measuring not less than 75 decitex but not more than 80 decitex, having 24 filaments per yarn and with a twist of 900 or more turns per meter...	17%	1.7% (IL) 6.8% (CA) [See Annex III(B) to this Proclamation] (MX)	81%
5407.60.99	Other..................................	17%	1.7% (IL) 6.8% (CA) [See Annex III(B) to this Proclamation] (MX)	81%"

(b). Conforming change: The article description for subheading 9905.00.30 is modified by deleting "5407.60.20" and inserting "5407.60.91" and "5407.60.99" in numerical sequence in lieu thereof.

23(a). Subheadings 5408.22.00, 5408.23.10, 5408.23.20 and 5408.24.00 are superseded and the following inserted in numerical sequence:

	[Woven fabrics of artificial...:]			
	[Other woven fabrics...:]			
"5408.22	Dyed:			
5408.22.10	Of cuprammonium rayon..................	17%	1.7% (IL) 6.8% (CA) [See Annex III(B) to this Proclamation] (MX)	81%
5408.22.90	Other..................................	17%	1.7% (IL) 6.8% (CA) [See Annex III(B) to this Proclamation] (MX)	81%
	[Of yarns of different colors:]			
	The thread count of which per cm (treating multiple (folded) or cabled yarns as single threads) is over 69 but not over 142 in the warp and over 31 but not over 71 in the filling:			
5408.23.11	Of cuprammonium rayon............	24.3¢/kg + 22.5%	2.4¢/kg + 2.3% (IL) 9.7¢/kg + 9% (CA) [See Annex III(B) to this Proclamation] (MX)	24.3¢/kg + 81%
5408.23.19	Other............................	24.3¢/kg + 22.5%	2.4¢/kg + 2.3% (IL) 9.7¢/kg + 9% (CA) [See Annex III(B) to this Proclamation] (MX)	24.3¢/kg + 81%

Annex II (con.)
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Section (A). (con.)

23(a). (con.):

	[Woven fabrics of artificial...:] [(con.)]			
	[Other woven fabrics...:] [(con.)]			
	[Of yarns of different colors:] [(con.)]			
	Other:			
5408.23.21	Of cuprammonium rayon............	17%	1.7% (IL) 6.8% (CA) [See Annex III(B) to this Proclamation] (MX)	81%
5408.23.29	Other............................	17%	1.7% (IL) 6.8% (CA) [See Annex III(B) to this Proclamation] (MX)	81%
5408.24	Printed:			
5408.24.10	Of cuprammonium rayon..................	17%	1.7% (IL) 6.8% (CA) [See Annex III(B) to this Proclamation] (MX)	81%
5408.24.90	Other..................................	17%	1.7% (IL) 6.8% (CA) [See Annex III(B) to this Proclamation] (MX)	81%"

(b). Conforming change: The article description for subheading 9905.00.30 is modified by deleting "5408.23.20" and inserting "5408.23.21" and "5408.23.29" in numerical sequence in lieu thereof.

24. Additional U.S. note 1 to chapter 58 is deleted and new additional U.S. notes 1 and 2 to chapter 58 are inserted in lieu thereof as follows:

"Additional U.S. notes

1. The rates of duty applicable to subheadings 5810.91.00 and 5810.99.00 are:
   column 1 (general)- 8.4%, but in the case of embroidery in the piece not less than the rate which would apply to such product if not embroidered.
   column 1 (special)- 3.3%, but in the case of embroidery in the piece not less than the rate which would apply to such product if not embroidered (CA).
   7.6%, but in the case of embroidery in the piece not less than the rate which would apply to such product if not embroidered (MX).
   column 2- 90%, but in the case of embroidery in the piece not less than the rate which would apply to such product if not embroidered.

2. The rates of duty applicable to subheading 5810.92.00 are:
   column 1 (general)- 8.4%, but in the case of embroidery in the piece not less than the rate which would apply to such product if not embroidered.
   column 1 (special)- 3.3%, but in the case of embroidery in the piece not less than the rate which would apply to such product if not embroidered (CA).
   7.5%, but in the case of embroidery in the piece not less than the rate which would apply to such product if not embroidered (MX).
   column 2- 90%, but in the case of embroidery in the piece not less than the rate which would apply to such product if not embroidered."

Annex II (con.)
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Section (A). (con.)

24. (con.)

On or after January 1 of the following years, the rate in additional U.S. notes 1 and 2 to chapter 58 followed by the symbol "CA" in parentheses shall be modified as follows:

1995	1996	1997	1998
2.5%	1.6%	0.8%	Free

On or after January 1 of the following years, the rate in additional U.S. note 1 to chapter 58 followed by the symbol "MX" in parentheses shall be modified as follows:

1995	1996	1997	1998	1999
6%	4.5%	3%	1.5%	Free

On or after January 1 of the following years, the rate in additional U.S. note 2 to chapter 58 followed by the symbol "MX" in parentheses shall be modified as follows:

1995	1996	1997	1998	1999	2000	2001	2002	2003
6.7%	5.8%	5%	4.2%	3.3%	2.5%	1.6%	0.8%	Free

25(a). Subheadings 5907.00.10 and 5907.00.90 are superseded and the following inserted in numerical sequence:

	[Textile fabrics otherwise impregnated,...:] "Laminated fabrics; fabrics specified in note 9 to section XI:			
5907.00.20	Of man-made fibers	16%	1.6% (IL) 6.4% (CA) [See Annex III(B) to this Proclamation] (MX)	83.5%
5907.00.40	Other	16%	1.6% (IL) 6.4% (CA) [See Annex III(B) to this Proclamation] (MX)	83.5%
	Other:			
5907.00.60	Of man-made fibers	5.8%	Free (E*,IL,) 2.3% (CA) [See Annex III(B) to this Proclamation] (MX)	50%
5907.00.80	Other	5.8%	Free (E*,IL,) 2.3% (CA) [See Annex III(B) to this Proclamation] (MX)	50%"

(b). Conforming change: The article description for subheading 9902.44.22 is modified by deleting "5907.00.10, 5907.00.90" and inserting "5907.00.20, 5907.00.40, 5907.00.60, 5907.00.80" in lieu thereof.

Annex II (con.)
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Section (A). (con.)

26. Subheading 6002.92.00 is superseded by:

	[Other knitted or crocheted fabrics:] [Other:]			
"6002.92	Of cotton:			
6002.92.10	Circular knit, wholly of cotton yarns exceeding 100 metric number per single yarn........................	14%	Free (IL) 5.6% (CA) [See Annex III(B) to this Proclamation] (MX)	45%
6002.92.90	Other..................................	14%	Free (IL) 5.6% (CA) [See Annex III(B) to this Proclamation] (MX)	45%"

27(a). Subheading 6303.92.00 is superseded by:

	[Curtains (including drapes)...:] [Other:]			
"6303.92	Of synthetic fibers:			
6303.92.10	Made up from fabrics described in subheading 5407.60.11, 5407.60.21 or 5407.60.91.............................	12.8%	Free (IL,MX) 5.1% (CA)	90%
6303.92.20	Other..................................	12.8%	Free (IL,MX) 5.1% (CA)	90%"

(b). Conforming change: The article description for subheading 9902.57.01 is modified by deleting "6303.92.00" and inserting "6303.92" in lieu thereof.

28. Heading 6701.00.00 is superseded by:

"6701.00	Skins and other parts of birds with their feathers or down, feathers, parts of feathers, down and articles thereof (other than goods of heading 0505 and worked quills and scapes):			
6701.00.30	Articles of feathers or down.....................	4.7%	Free (A,E,IL,J,MX) 1.8% (CA)	60%
6701.00.60	Other..	4.7%	Free (A,E,IL,J,MX) 1.8% (CA)	60%"

29(a). Subheading 7011.20.00 is superseded by:

	[Glass envelopes...:]			
"7011.20	For cathode-ray tubes:			
7011.20.10	Cones......................................	6.6%	Free (A,CA,E,IL, J,MX)	55%
7011.20.50	Other......................................	6.6%	Free (A,CA,E,IL, J,MX)	55%"

(b). Conforming change: The article description for subheading 9902.70.11 is modified by deleting "7011.20.00" and inserting "7011.20.50" in lieu thereof.

Annex II (con.)
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Section (A). (con.)

30(a). Subheading 7304.41.00 is superseded by:

	[Tubes, pipes and hollow profiles...:]			
	[Other, of circular cross section...:]			
"7304.41	Cold-drawn or cold-rolled (cold-reduced):			
7304.41.30	Of an external diameter of less than 19 mm.	7.6%	Free (C,E,IL,J,MX) 3% (CA)	36%
7304.41.60	Other	7.6%	Free (C,E,IL,J,MX) 3% (CA)	36%"

(b). Conforming change: The article description for subheading 9905.73.02 is modified by deleting "7304.41.00" and inserting "7304.41" in lieu thereof.

31. Subheading 7321.90.30 is superseded by:

	[Stoves, ranges, grates...:]			
	[Parts:]			
	"Of articles in subheading 7321.11.30:			
7321.90.10	Cooking chambers, whether or not assembled	4.2%	Free (A,CA,E,IL,J, MX)	45%
7321.90.20	Top surface panels with or without burners or controls	4.2%	Free (A,CA,E,IL,J, MX)	45%
7321.90.40	Door assemblies, incorporating more than one of the following: inner panel, outer panel, window, insulation	4.2%	Free (A,CA,E,IL,J, MX)	45%
7321.90.50	Other	4.2%	Free (A,CA,E,IL,J, MX)	45%"

32. Heading 7404.00.00 is superseded by:

"7404.00	Copper waste and scrap:			
7404.00.30	Spent anodes; waste and scrap with a copper content of less than 94 percent by weight	Free		6%
7404.00.60	Other	Free		6%"

33. Subheadings 7407.10.10, 7407.21.10, 7407.22.10 and 7407.29.10 are superseded and the following inserted in numerical sequence:

	[Copper bars, rods and profiles:]			
	[Of refined copper:]			
	"Profiles:			
7407.10.15	Hollow profiles	6.3%	Free (A,E,IL,J,MX) 2.5% (CA)	48%
7407.10.30	Other	6.3%	Free (A,E,IL,J,MX) 2.5% (CA)	48%
	[Of copper alloys:]			
	[Of copper-zinc base alloys (brass):]			
	Profiles:			
7407.21.15	Hollow profiles	3.2%	Free (A,CA,E,IL,J, MX)	17%
7407.21.30	Other	3.2%	Free (A,CA,E,IL,J, MX)	17%"

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33. (con.):

	[Copper bars, rods and profiles:] [(con.)] [Of copper alloys:] [(con.)] [Of copper-nickel base alloys...:] "Profiles:			
7407.22.15	Hollow profiles..................	6.3%	Free (A,CA,E,IL,J, MX)	48%
7407.22.30	Other............................	6.3%	Free (A,CA,E,IL,J, MX)	48%
	[Other:] Profiles:			
7407.29.15	Hollow profiles..................	5.2%	Free (A,E,IL,J,MX) 2% (CA)	49%
7407.29.30	Other............................	5.2%	Free (A,E,IL,J,MX) 2% (CA)	49%"

34(a). Subheadings 7506.10.50 and 7506.20.50 are superseded and the following inserted in numerical sequence:

	[Nickel plates, sheets, strip and foil:] [Of nickel, not alloyed:] "Foil:			
7506.10.45	Not exceeding 0.15 mm in thickness.....	3.6%	Free (A,CA,E,IL,J, MX)	45%
7506.10.60	Other..................................	3.6%	Free (A,CA,E,IL,J, MX)	45%
	[Of nickel alloys:] Foil:			
7506.20.45	Not exceeding 0.15 mm in thickness.....	3.6%	Free (A,CA,E,IL,J, MX)	45%
7506.20.60	Other..................................	3.6%	Free (A,CA,E,IL,J, MX)	45%"

(b). Conforming change: Rule 17 to section XV in subdivision (r) of general note 9, as redesignated by annex I to this proclamation, is modified by deleting "subheading 7506.20.50" and inserting "subheadings 7506.20.45 or 7506.20.60" in lieu thereof.

35. Subheading 8102.92.00 is superseded by:

	[Molybdenum and articles thereof...:] [Other:]			
"8102.92	Bars and rods, other than those obtained simply by sintering, profiles, plates, sheets, strip and foil:			
8102.92.30	Bars and rods..........................	6.6%	Free (A,CA,E,IL,J, MX)	60%
8102.92.60	Other..................................	6.6%	Free (A,CA,E,IL,J, MX)	60%"

36. Section XVI is modified by inserting an additional U.S. note as follows:

"Additional U.S. Note

1. For the purposes of this section, the term "printed circuit assembly" means goods consisting of one or more printed circuits of heading 8534 with one or more active elements assembled thereon, with or without passive elements. For the purposes of this note, "active elements" means diodes, transistors and similar semiconductor devices, whether or not photosensitive, of heading 8541, and integrated circuits and microassemblies of heading 8542."

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Section (A). (con.)

37. Additional U.S. note 1 to chapter 84 is modified by deleting "8479.89.60" and inserting "8479.89.65" in lieu thereof and by deleting "8479.90.80" and inserting "8479.90.95" in lieu thereof.

38. The additional U.S. notes to chapter 84 are modified by inserting an additional U.S. note as follows:

"2. Subheadings 8473.30.30 and 8473.30.60 cover the following parts of printers of subheading 8471.92:
- (a) Control or command assemblies, incorporating more than one of the following: printed circuit assembly, hard or flexible (floppy) disk drive, keyboard, user interface;
- (b) Light source assemblies, incorporating more than one of the following: light emitting diode assembly, gas laser, mirror polygon assembly, base casting;
- (c) Laser imaging assemblies, incorporating more than one of the following: photoreceptor belt or cylinder, toner receptacle unit, toner developing unit, charge/discharge units, cleaning unit;
- (d) Image fixing assemblies, incorporating more than one of the following: fuser, pressure roller, heating element, release oil dispenser, cleaning unit, electrical control;
- (e) Ink jet marking assemblies, incorporating more than one of the following: thermal print head, ink dispensing unit, nozzle and reservoir unit, ink heater;
- (f) Maintenance/sealing assemblies, incorporating more than one of the following: vacuum unit, ink jet covering unit, sealing unit, purging unit;
- (g) Paper handling assemblies, incorporating more than one of the following: paper transport belt, roller, print bar, carriage, gripper roller, paper storage unit, exit tray;
- (h) Thermal transfer imaging assemblies, incorporating more than one of the following: thermal print head, cleaning unit, supply or take-up roller;
- (ij) Ionographic imaging assemblies, incorporating more than one of the following: ion generation and emitting unit, air assist unit, printed circuit assembly, charge receptor belt or cylinder, toner receptacle unit, toner distribution unit, developer receptacle and distribution unit, developing unit, charge/discharge unit, cleaning unit; or
- (k) Combinations of the above specified assemblies."

39. Subheadings 8406.90.10 and 8406.90.90 are superseded by:

	[Steam turbines and other...:]			
	[Parts:]			
	"Of steam turbines:			
8406.90.20	Rotors, finished for final assembly....	7.5%	Free (A,CA,E,IL,J, MX)	20%
8406.90.30	Rotors, not further advanced than cleaned or machined for removal of fins, gates, sprues, and risers, or to permit location in finishing machinery..............................	7.5%	Free (A,CA,E,IL,J, MX)	20%
8406.90.40	Blades, rotating or stationary.........	7.5%	Free (A,CA,E,IL,J, MX)	20%
8406.90.45	Other..................................	7.5%	Free (A,CA,E,IL,J, MX)	20%
	Other:			
8406.90.50	Rotors, finished for final assembly....	4.5%	Free (A,CA,E,IL,J, MX)	27.5%
8406.90.60	Rotors, not further advanced than cleaned or machined for removal of fins, gates, sprues, and risers, or to permit location in finishing machinery..............................	4.5%	Free (A,CA,E,IL,J, MX)	27.5%
8406.90.70	Blades, rotating or stationary.........	4.5%	Free (A,CA,E,IL,J, MX)	27.5%
8406.90.75	Other..................................	4.5%	Free (A,CA,E,IL,J, MX)	27.5%"

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40. Subheadings 8407.34.10, 8407.34.20 and 8407.34.90 are superseded by:

	[Spark-ignition reciprocating...:]			
	[Reciprocating piston...:]			
	[Of a cylinder capacity...:]			
	"Of a cylinder capacity not exceeding 2,000 cc:			
8407.34.05	To be installed in tractors suitable for agricultural use.....	Free		Free
8407.34.15	To be installed in vehicles of subheading 8701.20, or heading 8702, 8703 or 8704................	3.1%	Free (A,B,E,IL,J, MX) 1.2% (CA)	35%
8407.34.25	Other..............................	Free		35%
	Of a cylinder capacity exceeding 2,000 cc:			
8407.34.35	To be installed in tractors suitable for agricultural use.....	Free		Free
8407.34.45	To be installed in vehicles of subheading 8701.20, or heading 8702, 8703 or 8704................	3.1%	Free (A,B,E,IL,J, MX) (1.2%) (CA)	35%
8407.34.55	Other..............................	Free		35%"

41. Subheadings 8414.59.80, 8414.80.10 and 8414.90.20 are superseded and the following inserted in numerical sequence:

	[Air or vacuum pumps...:]			
	[Fans:]			
	[Other:]			
	"Other:			
8414.59.30	Turbochargers and superchargers......................	4.7%	Free (A,B,C,CA,E, IL,J,MX)	35%
8414.59.60	Other..............................	4.7%	Free (A,B,C,CA,E, IL,J,MX)	35%
	[Other, except parts:]			
	Air compressors:			
8414.80.05	Turbochargers and superchargers........	3.4%	Free (A,B,C,CA,E, IL,J,MX)	35%
8414.80.15	Other..................................	3.4%	Free (A,B,C,CA,E, IL,J,MX)	35%
	[Parts:]			
	Of compressors:			
8414.90.30	Stators and rotors of goods of subheading 8414.30......................	3.4%	Free (A,B,C,CA,E, IL,J,MX)	35%
8414.90.40	Other..................................	3.4%	Free (A,B,C,CA,E, IL,J,MX)	35%"

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Section (A). (con.)

42(a). Subheading 8415.90.00 is superseded by:

	[Air conditioning machines...:]			
"8415.90	Parts:			
8415.90.40	Chassis, chassis bases and outer cabinets....................................	2.2%	Free (A,B,C,E,IL, J,MX) 0.8% (CA)	35%
8415.90.80	Other.......................................	2.2%	Free (A,B,C,E,IL, J,MX) 0.8% (CA)	35%"

(b). Conforming change: The article description for subheading 9905.84.16 is modified by deleting "8415.90.00" and inserting "8415.90" in lieu thereof.

43. Subheading 8418.99.00 is superseded by:

	[Refrigerators, freezers and...:]			
	[Parts:]			
"8418.99	Other:			
8418.99.40	Door assemblies incorporating more than one of the following: inner panel; outer panel; insulation; hinges; handles........................	2.9%	Free (A,B,E,IL,J, MX) 1.1% (CA)	35%
8418.99.80	Other..................................	2.9%	Free (A,B,E,IL,J, MX) 1.1% (CA)	35%"

44. Subheadings 8421.39.00 and 8421.91.00 are superseded and the following inserted in numerical sequence:

	[Centrifuges, including...:]			
	[Filtering or purifying...:]			
"8421.39	Other:			
8421.39.40	Catalytic converters...................	3.9%	Free (A,B,C,CA,E, IL,J,MX)	35%
8421.39.80	Other..................................	3.9%	Free (A,B,C,CA,E, IL,J,MX)	35%
	[Parts:]			
8421.91	Of centrifuges, including centrifugal dryers:			
8421.91.20	Drying chambers for the clothes-dryers of subheading 8421.12 and other parts of clothes-dryers incorporating drying chambers..........	3.9%	Free (A,CA,E,IL,J, MX)	25%
8421.91.40	Furniture designed to receive the clothes-dryers of subheading 8421.12...	3.9%	Free (A,CA,E,IL,J, MX)	25%
8421.91.60	Other..................................	3.9%	Free (A,CA,E,IL,J, MX)	25%"

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45(a). Subheading 8422.90.05 is superseded by:

	[Dishwashing machines...:]			
	[Parts:]			
	"Of dishwashing machines:			
8422.90.02	Water containment chambers for the dishwashing machines of subheading 8422.11 and other parts of dishwashing machines of the household type incorporating water containment chambers..............................	3.6%	Free (A,CA,E,IL,J, MX)	35%
8422.90.04	Door assemblies for the dishwashing machines of subheading 8422.11.........	3.6%	Free (A,CA,E,IL,J, MX)	35%
8422.90.06	Other..................................	3.6%	Free (A,E,IL,J,MX) 1.4% (CA)	35%"

(b). Conforming change: The article description for subheading 9905.84.21 is modified by deleting "8422.90.05" and inserting "8422.90.06" in lieu thereof.

46. Subheadings 8427.10.00 and 8427.20.00 are superseded by:

	[Fork-lift trucks...:]			
"8427.10	Self-propelled trucks powered by an electric motor:			
8427.10.40	Rider-type, counterbalanced fork-lift trucks......................................	Free		35%
8427.10.80	Other.......................................	Free		35%
8427.20	Other self-propelled trucks:			
8427.20.40	Rider-type, counterbalanced fork-lift trucks......................................	Free		35%
8427.20.80	Other.......................................	Free		35%"

47(a). Subheading 8450.90.00 is superseded by:

	[Household- or laundry-type washing...:]			
"8450.90	Parts:			
8450.90.20	Tubs and tub assemblies.....................	5.1%	Free (A,E,IL,J,MX) 2% (CA)	40%
8450.90.40	Furniture designed to receive the machines of subheadings 8450.11 through 8450.20, inclusive..........................	5.1%	Free (A,E,IL,J,MX) 2% (CA)	40%
8450.90.60	Other.......................................	5.1%	Free (A,E,IL,J,MX) 2% (CA)	40%"

(b). Conforming change: The article description for subheading 9905.84.31 is modified by deleting "8450.90.00" and inserting "8450.90" in lieu thereof.

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48. Subheading 8451.90.00 is superseded by:

	[Machinery (other than machines...:]			
"8451.90	Parts:			
8451.90.30	Drying chambers for the drying machines of subheading 8451.21 or 8451.29, and other parts of drying machines incorporating drying chambers	5.1%	Free (A,CA,E,IL,J, MX)	40%
8451.90.60	Furniture designed to receive the drying machines of subheading 8451.21 or 8451.29	5.1%	Free (A,CA,E,IL,J, MX)	40%
8451.90.90	Other	5.1%	Free (A,CA,E,IL,J, MX)	40%"

49. Subheading 8455.90.00 is superseded by:

	[Metal-rolling mills and...:]			
"8455.90	Other parts:			
8455.90.40	Castings or weldments, individually weighing less than 90 tons, for the machines of heading 8455	4.9%	Free (A,CA,E,IL,J, MX)	30%
8455.90.80	Other	4.9%	Free (A,CA,E,IL,J, MX)	30%"

50. Subheading 8459.70.00 is superseded by:

	[Machine tools (including way-type...:]			
"8459.70	Other threading or tapping machines:			
8459.70.40	Numerically controlled	4.4%	Free (A,CA,E,IL,J, MX)	30%
8459.70.80	Other	4.4%	Free (A,CA,E,IL,J, MX)	30%"

51. Subheadings 8460.40.00 and 8460.90.00 are superseded by:

	[Machine tools for deburring...:]			
"8460.40	Honing or lapping machines:			
8460.40.40	Numerically controlled	4.4%	Free (A,CA,E,IL,J, MX)	30%
8460.40.80	Other	4.4%	Free (A,CA,E,IL,J, MX)	30%
8460.90	Other:			
8460.90.40	Numerically controlled	4.4%	Free (A,CA,E,IL,J, MX)	30%
8460.90.80	Other	4.4%	Free (A,CA,E,IL,J, MX)	30%"

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52. Subheadings 8461.10.00, 8461.20.00, 8461.30.00, 8461.50.00 and 8461.90.00 are superseded and the following inserted in numerical sequence:

	[Machine tools for planing...:]			
"8461.10	Planing machines:			
8461.10.40	Numerically controlled......................	4.4%	Free (A,CA,E,IL,J, MX)	30%
8461.10.80	Other.......................................	4.4%	Free (A,CA,E,IL,J, MX)	30%
8461.20	Shaping or slotting machines:			
8461.20.40	Numerically controlled......................	4.4%	Free (A,CA,E,IL,J, MX)	30%
8461.20.80	Other.......................................	4.4%	Free (A,CA,E,IL,J, MX)	30%
8461.30	Broaching machines:			
8461.30.40	Numerically controlled......................	4.4%	Free (A,CA,E,IL,J, MX)	30%
8461.30.80	Other.......................................	4.4%	Free (A,CA,E,IL,J, MX)	30%
8461.50	Sawing or cutting-off machines:			
8461.50.40	Numerically controlled......................	4.4%	Free (A,CA,E,IL,J, MX)	30%
8461.50.80	Other.......................................	4.4%	Free (A,CA,E,IL,J, MX)	30%
8461.90	Other:			
8461.90.40	Numerically controlled......................	4.4%	Free (A,CA,E,IL,J, MX)	30%
8461.90.80	Other.......................................	4.4%	Free (A,CA,E,IL,J, MX)	30%"

53. Subheadings 8462.91.00 and 8462.99.00 are superseded by:

	[Machine tools (including presses)...:] [Other:]			
"8462.91	Hydraulic presses:			
8462.91.40	Numerically controlled.................	4.4%	Free (A,CA,E,IL,J, MX)	30%
8462.91.80	Other..................................	4.4%	Free (A,CA,E,IL,J, MX)	30%
8462.99	Other:			
8462.99.40	Numerically controlled.................	4.4%	Free (A,CA,E,IL,J, MX)	30%
8462.99.80	Other..................................	4.4%	Free (A,CA,E,IL,J, MX)	30%"

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Section (A). (con.)

54. Subheadings 8466.93.10, 8466.93.50, 8466.93.70, 8466.94.10 and 8466.94.50 are superseded by:

	[Parts and accessories suitable for use...:] [Other:] [For machines of headings 8456 to 8461:] "Bed, base, table, head, tail, saddle, cradle, cross slide, column, arm, saw arm, wheelhead, tailstock, headstock, ram, frame, work-arbor support, and C-frame castings, weldments or fabrications:			
8466.93.15	Cast-iron parts not advanced beyond cleaning, and machined only for the removal of fins, gates, sprues and risers or to permit location in finishing machinery........................	Free		10%
	Other:			
8466.93.30	Of metalworking machine tools for cutting gears......	5.8%	Free (A,CA,E,IL,J,MX)	45%
8466.93.45	Other........................	4.7%	Free (A,CA,E,IL,J,MX)	35%
	Other:			
8466.93.60	Cast-iron parts not advanced beyond cleaning, and machined only for the removal of fins, gates, sprues and risers or to permit location in finishing machinery........................	Free		10%
	Other:			
8466.93.75	Of metalworking machine tools for cutting gears......	5.8%	Free (A,CA,E,IL,J,MX)	45%
8466.93.90	Other........................	4.7%	Free (A,CA,E,IL,J,MX)	35%
	[For machines of heading 8462 or 8463:] Cast-iron parts not advanced beyond cleaning, and machined only for the removal of fins, gates, sprues and risers or to permit location in finishing machinery:			
8466.94.20	Bed, base, table, column, cradle, frame, bolster, crown, slide, rod, tailstock and headstock castings, weldments or fabrications..................	Free		10%
8466.94.40	Other............................	Free		10%
	Other:			
8466.94.60	Bed, base, table, column, cradle, frame, bolster, crown, slide, rod, tailstock and headstock castings, weldments or fabrications..................	4.7%	Free (A,CA,E,IL,J,MX)	35%
8466.94.80	Other............................	4.7%	Free (A,CA,E,IL,J,MX)	35%"

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55. Subheading 8469.10.00 is superseded by:

	[Typewriters and...:]			
"8469.10	Automatic typewriters and word processing machines:			
8469.10.40	Word processing machines....................	2.2%	Free (A,CA,E,IL,J, MX)	35%
8469.10.80	Other......................................	2.2%	Free (A,CA,E,IL,J, MX)	35%"

56(a). Subheadings 8471.92.40, 8471.92.65, 8471.92.70 and 8471.92.90 are superseded and the following inserted in numerical sequence:

	[Automatic data processing machines...:]			
	[Other:]			
	[Input or output units, whether or...:]			
	[Other:]			
	[Display units:]			
	"Other:			
8471.92.32	With color cathode-ray tube (CRT)..............	3.7%	Free (A,C,CA,E,IL, J,MX)	35%
8471.92.34	Other...................	3.7%	Free (A,C,CA,E,IL, J,MX)	35%
	[Printer units:]			
	Assembled units incorporating at least the media transport, control and print mechanisms:			
	Laser:			
8471.92.36	Capable of producing more than 20 pages per minute.........	3.7%	Free (A,C,CA,E,IL, J,MX)	35%
8471.92.38	Other..............	3.7%	Free (A,C,CA,E,IL, J,MX)	35%
8471.92.42	Light bar electronic type....................	3.7%	Free (A,C,CA,E,IL, J,MX)	35%
8471.92.44	Ink jet.................	3.7%	Free (A,C,CA,E,IL, J,MX)	35%
8471.92.46	Thermal transfer........	3.7%	Free (A,C,CA,E,IL, J,MX)	35%
8471.92.48	Ionographic.............	3.7%	Free (A,C,CA,E,IL, J,MX)	35%
8471.92.52	Other...................	3.7%	Free (A,C,CA,E,IL, J,MX)	35%

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Section (A). (con.)

56(a). (con.):

	[Automatic data processing machines...:] [(con.)]			
	[Other:] [(con.)]			
	[Input or output units, whether...:] [(con.)]			
	[Other:] [(con.)]			
	[Printer units:]			
	Other:			
	Laser:			
8471.92.54	Capable of producing more than 20 pages per minute.........	Free		35%
8471.92.56	Other..............	Free		35%
8471.92.58	Light bar electronic type....................	Free		35%
8471.92.62	Ink jet.................	Free		35%
8471.92.64	Thermal transfer........	Free		35%
8471.92.68	Ionographic.............	Free		35%
8471.92.72	Other...................	Free		35%
	[Other:]			
	Other:			
8471.92.84	Optical scanners and magnetic ink recognition devices.....	3.7%	Free (A,C,CA,E,IL, J,MX)	35%
8471.92.88	Other...................	3.7%	Free (A,C,CA,E,IL, J,MX)	35%"

(b). Conforming change: The article description for subheading 9902.84.65 is modified by deleting "8471.92.65" and inserting "8471.92.52" in lieu thereof.

57. Subheadings 8473.10.00, 8473.30.40 and 8473.30.80 are superseded and the following inserted in numerical sequence:

	[Parts and accessories (other than covers...:]			
"8473.10	Parts and accessories of the machines of heading 8469:			
	Parts:			
8473.10.30	Of word processing machines............	4%	Free (A,CA,E,IL,J, MX)	45%
8473.10.60	Other..................................	4%	Free (A,CA,E,IL,J, MX)	45%
8473.10.90	Other.......................................	4%	Free (A,CA,E,IL,J, MX)	45%

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Section (A). (con.)

57. (con.):

	[Parts and accessories (other than covers...:] [(con.)]			
	[Parts and accessories of the machines of heading 8471:]			
	Not incorporating a cathode-ray tube:			
8473.30.10	Printed circuit assemblies, other than for power supplies for automatic data processing machines.....	Free		35%
8473.30.20	Parts and accessories, including face plates and lock latches, of printed circuit assemblies............	Free		35%
8473.30.30	Other parts for printers, specified in additional U.S. note 2 to this chapter...............................	Free		35%
	Other:			
	Parts of power supplies for automatic data processing machines:			
8473.30.35	Printed circuit assemblies...	Free		35%
8473.30.45	Other........................	Free		35%
8473.30.50	Other............................	Free		35%
	Other:			
8473.30.60	Other parts for printers, specified in additional U.S. note 2 to this chapter...............................	Free		35%
8473.30.90	Other.................................	Free		35%"

58. Subheading 8477.90.00 is superseded by:

	[Machinery for working rubber or...:]			
"8477.90	Parts:			
8477.90.20	Base, bed, platen, clamp cylinder, ram, and injection castings, weldments and fabrications...............................	3.9%	Free (A,CA,E,IL,J, MX)	35%
8477.90.40	Barrel screws..............................	3.9%	Free (A,CA,E,IL,J, MX)	35%
8477.90.60	Hydraulic assemblies incorporating more than one of the following: manifold; valves; pump; oil cooler....................	3.9%	Free (A,CA,E,IL,J, MX)	35%
8477.90.80	Other.......................................	3.9%	Free (A,CA,E,IL,J, MX)	35%"

59. Subheadings 8479.89.60 and 8479.90.80 are superseded and the following inserted in numerical sequence:

	[Machines and mechanical appliances having...:]			
	[Other machines and mechanical appliances:]			
	[Other:]			
	[Electromechanical appliances...:]			
"8479.89.55	Trash compactors..................	4.2%	Free (A,CA,E,IL,J, MX)	40%
8479.89.65	Other.............................	4.2%	Free (A,C,CA,E,IL, J,MX)	40%

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Section (A). (con.)

59. (con.):

	[Machines and mechanical appliances having...:] [(con.)]			
	[Parts:]			
	Of trash compactors:			
8479.90.45	Frame assemblies incorporating more than one of the following: baseplate; side frames; power screws; front plates	3.7%	Free (A,B,CA,E,IL, J,MX)	35%
8479.90.55	Ram assemblies incorporating a ram wrapper and/or ram cover	3.7%	Free (A,B,CA,E,IL, J,MX)	35%
8479.90.65	Container assemblies incorporating more than one of the following: container bottom; container wrapper; slide track; container front	3.7%	Free (A,B,CA,E,IL, J,MX)	35%
8479.90.75	Cabinets or cases	3.7%	Free (A,B,CA,E,IL, J,MX)	35%
8479.90.85	Other	3.7%	Free (A,B,CA,E,IL, J,MX)	35%
8479.90.95	Other	3.7%	Free (A,B,C,CA,E, IL,J,MX)	35%"

60(a). Subheadings 8482.99.10, 8482.99.30, 8482.99.50 and 8482.99.70 are superseded by:

	[Ball or roller bearings...:]			
	[Parts:]			
	[Other:]			
	"Inner or outer rings or races:			
8482.99.05	For ball bearings	11%	Free (B,E,J) 1.1% (IL) 4.4% (CA) [See Annex III(B) to this Proclamation] (MX)	67%
8482.99.15	For tapered roller bearings	6.5%	Free (B,CA,E,IL,J) [See Annex III(B) to this Proclamation] (MX)	67%
8482.99.25	Other	6.5%	Free (B,E,IL,J) 2.6% (CA) [See Annex III(B) to this Proclamation] (MX)	67%

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Section (A). (con.)

60(a). (con.):

[Ball or roller bearings...:] [(con.)]
[Parts:] [(con.)]
[Other:] [(con.)]
Other:

8482.99.35	Parts of ball bearings (including parts of ball bearings with integral shafts)........................	11%	Free (B,E,J) 1.1% (IL) 4.4% (CA) [See Annex III(B) to this Proclamation] (MX)	67%
8482.99.45	Parts of tapered roller bearings........................	6.5%	Free (B,CA,E,IL,J) [See Annex III(B) to this Proclamation] (MX)	67%
8482.99.65	Other............................	6.5%	Free (B,E,IL,J) 2.6% (CA) [See Annex III(B) to this Proclamation] (MX)	67%"

(b). Conforming change: U.S. note 2 of subchapter XVII to chapter 98 is modified by in subdivision (t) deleting "8482.99.70" and inserting "8482.99.65" in lieu thereof.

61. Subheading 8483.50.80 is superseded by:

[Transmission shafts (including...:]
[Flywheels and pulleys...:]
"Other:

8483.50.60	Flywheels..............................	5.7%	Free (A,B,C,CA,E, IL,J) [See Annex III(B) to this Proclamation] (MX)	45%
8483.50.90	Other..................................	5.7%	Free (A,B,C,CA,E, IL,J) [See Annex III(B) to this Proclamation] (MX)	45%"

62. Additional U.S. note 4 to chapter 85 is modified by deleting "For the purposes of subheading 8529.90.15 and 8529.90.20" and inserting "For the purposes of subheading 8529.90.03, 8529.90.06, 8529.90.33, 8529.90.36, 8529.90.43, 8529.90.46, 8529.90.56, 8529.90.59, 8529.90.86 and 8529.90.89" in lieu thereof and by deleting "classified in subheading 8529.90.15;" and inserting "classified in subheading 8529.90.03, 8529.90.33, 8529.90.43, 8529.90.56 or 8529.90.86, as appropriate;" in lieu thereof.

Section (A). (con.)

63. The additional U.S. notes to chapter 85 are modified by inserting the following additional U.S. notes in numerical sequence:

"7. Subheading 8517.90.04 covers the following parts of facsimile machines:
   (a) Control or command assemblies, incorporating more than one of the following: printed circuit assembly, modem, hard or flexible (floppy) disk drive, keyboard, user interface;
   (b) Optics module assemblies, incorporating more than one of the following: optics lamp, charge couples device and appropriate optics, lenses, mirrors;
   (c) Laser imaging assemblies, incorporating more than one of the following: photoreceptor belt or cylinder, toner receptacle unit, toner developing unit, charge/discharge units, cleaning unit;
   (d) Ink jet marking assemblies, incorporating more than one of the following: thermal print head, ink dispensing unit, nozzle and reservoir unit, ink heater;
   (e) Thermal transfer imaging assemblies, incorporating more than one of the following: thermal print head, cleaning unit, supply or take-up roller;
   (f) Ionographic imaging assemblies, incorporating more than one of the following: ion generation and emitting unit, air assist unit, printed circuit assembly, charge receptor belt or cylinder, toner receptacle unit, toner distribution unit, developer receptacle and distribution unit, developing unit, charge/discharge unit, cleaning unit;
   (g) Image fixing assemblies, incorporating more than one of the following: fuser, pressure roller, heating elements, release oil dispenser, cleaning unit, electrical control;
   (h) Paper handling assemblies, incorporating more than one of the following: paper transport belt, roller, print bar, carriage, gripper roller, paper storage unit, exit tray; and
   (ij) Combinations of the above specified assemblies.

8. For the purposes of this chapter, references to "high definition" as it applies to television receivers and cathode-ray tubes refer to articles having:
   (a) a screen aspect ratio equal to or greater than 16:9; and
   (b) a viewing screen capable of displaying more than 700 scanning lines.

9. For the purposes of this chapter, the video display diagonal is determined by measuring the maximum straight line dimension across the visible portion of the faceplate used for displaying video.

10. Subheadings 8529.90.29, 8529.90.33, 8529.90.36 and 8529.90.39 cover the following parts of television receivers (including video monitors and video projectors):
   (a) Video intermediate (IF) amplifying and detecting systems;
   (b) Video processing and amplification systems;
   (c) Synchronizing and deflection circuitry;
   (d) Tuners and tuner control systems; and
   (e) Audio detection and amplification systems.

11. For the purposes of subheading 8540.91.15, the term "front panel assembly" refers to:
   (a) with respect to a color cathode-ray television picture tube, an assembly which consists of a glass panel and a shadow mask or aperture grille, attached for ultimate use, which is suitable for incorporation into a color cathode-ray television picture tube (including video monitor cathode-ray tube), and which has undergone the necessary chemical and physical processes for imprinting phosphors on the glass panel with sufficient precision to render a video image when excited by a stream of electrons; or
   (b) with respect to a monochrome cathode-ray picture tube, an assembly which consists of either a glass panel or a glass envelope, which is suitable for incorporation into a monochrome cathode-ray television picture tube (including video monitor or video projector cathode-rate tube), and which has undergone the necessary chemical and physical processes for imprinting phosphors on the glass panel or glass envelope with sufficient precision to render a video image when excited by a stream of electrons."

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Section (A). (con.)

64. Subheading 8501.32.40 is superseded by:

	[Electric motors and generators...:] [Other DC motors; DC generators:] [Of an output exceeding 750 W but not exceeding 75 kW:] [Motors:] "Other:			
8501.32.45	Electric motors of a kind used as the primary source of mechanical power for electrically powered vehicles of subheading 8703.90	Free		35%
8501.32.55	Other	Free		35%"

65(a). Subheadings 8503.00.40 and 8503.00.60 are superseded by:

	[Parts suitable for use solely or...:] "Stators and rotors for the goods of heading 8501:			
8503.00.35	For motors of under 18.65 W	10%	Free (A,B,E,IL,J, MX) 4% (CA)	90%
8503.00.55	Other	3%	Free (A,B,CA,E,IL, J,MX)	35%
	Other:			
8503.00.75	For motors of under 18.65 W	10%	Free (A,B,E,IL,J, MX) 4% (CA)	90%
8503.00.85	Other	3%	Free (A,B,CA,E,IL, J,MX)	35%"

(b). Conforming change: The article description for subheading 9902.85.03 is modified by deleting "8503.00.60" and inserting "8503.00.55 or 8503.00.85" in lieu thereof.

66(a). Subheadings 8504.40.00 and 8504.90.00 are superseded and the following inserted in numerical sequence:

	[Electrical transformers, static converters...:]			
"8504.40	Static converters:			
8404.40.40	Speed drive controllers for electric motors	3%	Free (A,B,C,CA,E, IL,J,MX)	35%
8504.40.80	Other	3%	Free (A,B,C,CA,E, IL,J,MX)	35%
	[Other inductors]			
8504.90	Parts:			
8504.90.60	Printed circuit assemblies	3%	Free (A,B,CA,E,IL, J,MX)	35%
8504.90.90	Other	3%	Free (A,B,CA,E,IL, J,MX)	35%"

(b). Conforming change: The article descriptions for subheadings 9902.85.25 and 9902.85.26 are modified by deleting "8504.40.00" and inserting "8504.40" in lieu thereof.

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Section (A). (con.)

67(a). Subheadings 8507.20.00, 8507.30.00, 8507.40.00 and 8507.80.00 are superseded and the following inserted in numerical sequence:

	[Electric storage batteries...:]			
"8507.20	Other lead-acid storage batteries:			
8507.20.40	Of a kind used as the primary source of electrical power for electrically powered vehicles of subheading 8703.90..............	5.3%	Free (A,B,E,IL,J, MX) 2.1% (CA)	40%
8507.20.80	Other..	5.3%	Free (A,B,C,E,IL,J, MX) 2.1% (CA)	40%
8507.30	Nickel-cadmium storage batteries:			
8507.30.40	Of a kind used as the primary source of electrical power for electrically powered vehicles of subheading 8703.90..............	5.1%	Free (A,B,E,IL,J, MX) 2% (CA)	40%
8507.30.80	Other..	5.1%	Free (A,B,C,E,IL, J,MX) 2% (CA)	40%
8507.40	Nickel-iron storage batteries:			
8507.40.40	Of a kind used as the primary source of electrical power for electrically powered vehicles of subheading 8703.90..............	5.1%	Free (A,B,CA,E,IL, J,MX)	40%
8507.40.80	Other..	5.1%	Free (A,B,C,CA,E, IL,J,MX)	40%
8507.80	Other storage batteries:			
8507.80.40	Of a kind used as the primary source of electrical power for electrically powered vehicles of subheading 8703.90..............	5.1%	Free (A,B,CA,E,IL, J,MX)	40%
8507.80.80	Other..	5.1%	Free (A,B,C,CA,E, IL,J,MX)	40%"

(b). Conforming change: The article description for subheading 9905.85.27 is modified by deleting "8507.30.00" and inserting "8507.30" in lieu thereof.

68. Subheading 8508.90.00 is superseded by:

	[Electromechanical tools for working...:]			
"8508.90	Parts:			
8508.90.40	Housings....................................	2.2%	Free (A,E,IL,J,MX) 0.8% (CA)	35%
8508.90.80	Other..	2.2%	Free (A,E,IL,J,MX) 0.8% (CA)	35%"

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Section (A). (con.)

69. Subheadings 8509.90.20, 8509.90.30 and 8509.90.40 are superseded by:

	[Electromechanical domestic appliances...:]			
	[Parts:]			
	"Parts of vacuum cleaners:			
8509.90.05	Housings..............................	3.4%	Free (A,E,IL,J) 1.3% (CA) [See Annex III(B) to this Proclamation] (MX)	35%
8509.90.15	Other..............................	3.4%	Free (A,E,IL,J) 1.3% (CA) [See Annex III(B) to this Proclamation] (MX)	35%
	Parts of floor polishers:			
8509.90.25	Housings..............................	3.4%	Free (A,CA,E,IL,J, MX)	35%
8509.90.35	Other..............................	3.4%	Free (A,CA,E,IL,J, MX)	35%
	Other:			
8509.90.45	Housings..............................	4.2%	Free (A,CA,E,IL,J, MX)	40%
8509.90.55	Other..............................	4.2%	Free (A,CA,E,IL,J, MX)	40%"

70(a). Subheadings 8516.90.20, 8516.90.40 and 8516.90.60 are superseded by:

	[Electric instantaneous or storage water...:]			
	[Parts:]			
"8516.90.05	Of heaters or heating apparatus of subheading 8516.10, 8516.21 or 8516.29......	3.7%	Free (A,B,CA,E,IL, J,MX)	35%
8516.90.15	Housings for the hand-drying apparatus of subheading 8516.33........................	3.9%	Free (A,CA,E,IL,J, MX)	35%
8516.90.25	Housings and steel bases for the electric flatirons of subheading 8516.40....	3.9%	Free (A,CA,E,IL,J, MX)	35%
	Parts for the microwave ovens of subheading 8516.50:			
8516.90.35	Assemblies, incorporating more than one of the following: cooking chamber; structural supporting chassis; door; outer case..............	Free		35%
8516.90.45	Printed circuit assemblies.............	Free		35%
8516.90.50	Other..............................	Free		35%
	Parts for the cooking stoves, ranges and ovens of subheading 8516.60.40:			
8516.90.55	Cooking chambers, whether or not assembled..............................	Free		35%
8516.90.65	Top surface panels with or without heating elements or controls...........	Free		35%
8516.90.75	Door assemblies, incorporating more than one of the following: inner panel; outer panel; window; insulation..............................	Free		35%
8516.90.80	Other..............................	Free		35%

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Section (A). (con.)

70(a). (con.):

	[Electric instantaneous or storage water...:] [(con.)]			
	[Parts:] [(con.)]			
8516.90.85	Housings for toasters........................	3.9%	Free (A,CA,E,IL,J, MX)	35%
8516.90.90	Other..	3.9%	Free (A,E,IL,J,MX) 1.5% (CA)	35%"

(b). Conforming change: The article description for subheading 9905.85.51 is modified by deleting "8516.90.60" and inserting "8516.90.90" in lieu thereof.

71. Subheadings 8517.82.00, 8517.90.05, 8517.90.10, 8517.90.15, 8517.90.30, 8517.90.35, 8517.90.40, 8517.90.55, 8517.90.60, 8517.90.70, 8517.90.80 and the superior texts immediately preceding subheadings 8517.90.05 and 8517.90.55 are superseded and the following inserted in numerical sequence:

	[Electrical apparatus for line telephony or...:]			
	[Other apparatus:]			
"8517.82	Telegraphic:			
8517.82.40	Facsimile machines......................	4.7%	Free (A,CA,E,IL,J, MX)	35%
8517.82.80	Other apparatus.........................	4.7%	Free (A,CA,E,IL,J, MX)	35%
	[Parts:]			
	Parts of facsimile machines:			
8517.90.04	Parts of facsimile machines specified in additional U.S. note 7 to this chapter..................................	4.7%	Free (A,CA,E,IL,J, MX)	35%
8517.90.08	Other....................................	4.7%	Free (A,CA,E,IL,J, MX)	35%
	Other parts, incorporating printed circuit assemblies:			
8517.90.12	Parts for telephone sets...............	8.5%	Free (A,B,CA,E,IL, J,MX)	35%
	Parts for articles of subheadings 8517.20, 8517.30, 8517.40.50 and 8517.81:			
8517.90.16	For teleprinters, including teletypewriters...................	4.7%	Free (A,CA,E,IL,J, MX)	35%
8517.90.24	For telephonic switching or terminal apparatus................	8.5%	Free (A,CA,E,IL,J, MX)	35%
8517.90.26	For telegraphic switching apparatus.........................	4.7%	Free (A,CA,E,IL,J, MX)	35%
8517.90.32	Other.............................	8.5%	Free (A,B,CA,E,IL, J,MX)	35%
8517.90.34	Other..................................	4.7%	Free (A,CA,E,IL,J, MX)	35%

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Section (A). (con.)

71. (con.):

	[Electrical apparatus for line telephony or...:] [(con.)]			
	[Parts:] [(con.)]			
	Other:			
	Printed circuit assemblies:			
	For telephonic apparatus:			
8517.90.36	For switching or terminal apparatus (other than telephone sets).............	8.5%	Free (A,CA,E,IL,J, MX)	35%
8517.90.38	Other........................	8.5%	Free (A,B,CA,E,IL, J,MX)	35%
8517.90.44	For telegraphic apparatus.........	4.7%	Free (A,CA,E,IL,J, MX)	35%
	Parts, including face plates and lock latches, for printed circuit assemblies:			
	For telephonic apparatus:			
8517.90.48	For switching or terminal apparatus (other than telephone sets).............	8.5%	Free (A,CA,E,IL,J, MX)	35%
8517.90.52	Other........................	8.5%	Free (A,B,CA,E,IL, J,MX)	35%
8517.90.56	For telegraphic apparatus.........	4.7%	Free (A,CA,E,IL,J, MX)	35%
	Other:			
	For telephonic apparatus:			
8517.90.58	For switching or terminal apparatus (other than telephone sets).............	8.5%	Free (A,CA,E,IL,J, MX)	35%
8517.90.64	Other........................	8.5%	Free (A,B,CA,E,IL, J,MX)	35%
8517.90.66	For telegraphic apparatus.........	4.7%	Free (A,CA,E,IL,J, MX)	35%"

72. Subheadings 8522.90.40, 8522.90.60 and 8522.90.90 are superseded by:

	[Parts and accessories of apparatus of...:]			
	[Other:]			
	"Assemblies and subassemblies of articles provided for in subheading 8520.90, consisting of two or more pieces fastened or joined together:			
8522.90.25	Printed circuit assemblies............	3.9%	Free (A,B,C,E,IL, J,MX) 1.5% (CA)	35%
8522.90.35	Other................................	3.9%	Free (A,B,C,E,IL, J,MX) 1.5% (CA)	35%
	Parts of telephone answering machines:			
8522.90.45	Printed circuit assemblies............	3.9%	Free (A,CA,E,IL,J, MX)	35%
8522.90.55	Other................................	3.9%	Free (A,CA,E,IL,J, MX)	35%

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Section (A). (con.)

72. (con.):

	[Parts and accessories of apparatus of...:] [(con.)]			
	[Other:] [(con.)]			
	Other:			
8522.90.65	Printed circuit assemblies............	3.9%	Free (A,B,E,IL,J, MX) 1.5% (CA)	35%
8522.90.75	Other..................................	3.9%	Free (A,B,E,IL,J, MX) 1.5% (CA)	35%"

73. Subheading 8525.30.00 is superseded by:

	[Transmission apparatus for radiotelephony...:]			
"8525.30	Television cameras:			
8525.30.30	Gyrostabilized television cameras...........	4.2%	Free (A,CA,E,IL,J, MX)	35%
8525.30.60	Studio television cameras, excluding shoulder-carried and other portable cameras....................................	4.2%	Free (A,CA,E,IL,J, MX)	35%
8525.30.90	Other......................................	4.2%	Free (A,CA,E,IL,J, MX)	35%"

74(a). Subheadings 8528.10.30 and 8528.10.60 are superseded by:

	[Television receivers (including video...:]			
	[Color:]			
	"Incomplete or unfinished (including assemblies for television receivers consisting of all the parts specified in additional U.S. note 10 to this chapter plus a power supply, and assemblies for video monitors and video projectors consisting of the parts specified in subparagraphs (a), (b), (c) and (e) in additional U.S. note 4 to this chapter plus a power supply), not incorporating a cathode-ray tube, flat panel screen or similar display device:			
8528.10.04	Incorporating video recording or reproducing apparatus..................	3.9%	Free (A,E,IL,J,MX) 1.5% (CA)	25%
8528.10.08	Other.................................	5%	Free (B,E,IL,J,MX) 2% (CA)	35%
	Non-high definition, having a single picture tube intended for direct viewing (non-projection type), with a video display diagonal not exceeding 35.56 cm:			
8528.10.14	Incorporating video recording or reproducing apparatus..................	3.9%	Free (A,E,IL,J,MX) 1.5% (CA)	25%
8528.10.18	Other.................................	5%	Free (B,E,IL,J,MX) 2% (CA)	35%

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Section (A). (con.)

74(a). (con.):

	[Television receivers (including video...:] [(con.)]			
	[Color:] [(con.)]			
	Non-high definition, having a single picture tube intended for direct viewing (non-projection type), with a video display diagonal exceeding 35.56 cm:			
8528.10.24	Incorporating video recording or reproducing apparatus..................	3.9%	Free (A,E,IL,J,MX) 1.5% (CA)	25%
8528.10.28	Other..................................	5%	Free (B,E,IL,J,MX) 2% (CA)	35%
	Non-high definition, projection type, with a cathode-ray tube:			
8528.10.34	Incorporating video recording or reproducing apparatus..................	3.9%	Free (A,E,IL,J,MX) 1.5% (CA)	25%
8528.10.38	Other..................................	5%	Free (B,E,IL,J,MX) 2% (CA)	35%
	High definition, non-projection type, with a cathode-ray tube:			
8528.10.44	Incorporating video recording or reproducing apparatus..................	3.9%	Free (A,E,IL,J,MX) 1.5% (CA)	25%
8528.10.48	Other..................................	5%	Free (B,E,IL,J,MX) 2% (CA)	35%
	High definition, projection type, with a cathode-ray tube:			
8528.10.54	Incorporating video recording or reproducing apparatus..................	3.9%	Free (A,E,IL,J,MX) 1.5% (CA)	25%
8528.10.58	Other..................................	5%	Free (B,E,IL,J,MX) 2% (CA)	35%
	With a flat panel screen:			
8528.10.64	Incorporating video recording or reproducing apparatus..................	3.9%	Free (A,E,IL,J,MX) 1.5% (CA)	25%
8528.10.68	Other..................................	5%	Free (B,E,IL,J,MX) 2% (CA)	35%
	Other:			
8528.10.74	Incorporating video recording or reproducing apparatus..................	3.9%	Free (A,E,IL,J,MX) 1.5% (CA)	25%
8528.10.78	Other..................................	5%	Free (B,E,IL,J,MX) 2% (CA)	35%"

(b). Conforming change: The article descriptions for subheadings 9903.41.40 and 9903.41.45 are modified by deleting "8528.10.80" and inserting "8528.10.28, 8528.10.48 or 8528.10.78" in lieu thereof.

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Section (A). (con.)

75. Subheadings 8529.90.10, 8529.90.15, 8529.90.20, 8529.90.30, 8529.90.35, 8529.90.40, 8529.90.45, 8529.90.50 and the superior texts immediately preceding subheadings 8529.90.15, 8529.90.30 and 8529.90.40 are superseded and the following inserted in numerical sequence:

	[Parts suitable for use solely or...:]			
	[Other:]			
	"Printed circuit assemblies:			
	Of television apparatus:			
8529.90.01	Tuners	5%	Free (E,IL,J,MX) 2% (CA)	35%
	Printed circuit boards and ceramic substrates with components assembled thereon, for color television receivers; subassemblies containing one or more of such boards or substrates, except tuners or convergence assemblies:			
8529.90.03	Entered with components enumerated in additional U.S. note 4 to this chapter	5%	Free (B,E,IL,J,MX) 2% (CA)	35%
8529.90.06	Other	3.7%	Free (B,E,IL,J,MX) 1.4% (CA)	35%
	Other:			
8529.90.09	For television cameras	4.2%	Free (A,CA,E,IL,J,MX)	35%
8529.90.13	Other	3.7%	Free (B,E,IL,J,MX) 1.4% (CA)	35%
	Of radar, radio navigational aid or radio remote control apparatus:			
8529.90.16	Assemblies and subassemblies, consisting of 2 or more parts or pieces fastened or joined together	4.9%	Free (A,C,CA,E,IL,J,MX)	35%
8529.90.19	Other	4.9%	Free (A,CA,E,IL,J,MX)	35%
8529.90.23	Other	5.9%	Free (A,B,CA,E,IL,J,MX)	35%
8529.90.26	Transceiver assemblies for the apparatus of subheading 8526.10, other than printed circuit assemblies	4.9%	Free (A,C,CA,E,IL,J,MX)	35%
	Parts of television receivers specified in additional U.S. note 10 to this chapter, other than printed circuit assemblies:			
8529.90.29	Tuners	5%	Free (E,IL,J,MX) 2% (CA)	35%

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Section (A). (con.)

75. (con.):

	[Parts suitable for use solely or...:] [(con.)]			
	[Other:] [(con.)]			
	Parts of television receivers specified in additional U.S. note 10 to this chapter, other than printed circuit assemblies (con.):			
	Subassemblies, for color television receivers, containing two or more printed circuit boards or ceramic substrates with components assembled thereon, except tuners or convergence assemblies:			
8529.90.33	Entered with components enumerated in additional U.S. note 4 to this chapter............	5%	Free (B,E,IL,J,MX) 2% (CA)	35%
8529.90.36	Other............................	3.7%	Free (B,E,IL,J,MX) 1.4% (CA)	35%
8529.90.39	Other..................................	3.7%	Free (B,E,IL,J,MX) 1.4% (CA)	35%
	Combinations of parts specified in additional U.S. note 10 to this chapter:			
	Subassemblies, for color television receivers, containing two or more printed circuit boards or ceramic substrates with components assembled thereon, except tuners or convergence assemblies:			
8529.90.43	Entered with components enumerated in additional U.S. note 4 to this chapter............	5%	Free (B,E,IL,J,MX) 2% (CA)	35%
8529.90.46	Other............................	3.7%	Free (B,E,IL,J,MX) 1.4% (CA)	35%
8529.90.49	Other..................................	3.7%	Free (B,E,IL,J,MX) 1.4% (CA)	35%
8529.90.53	Flat panel screen assemblies for the apparatus of subheadings 8528.10.64 and 8528.10.68..................................	3.7%	Free (B,E,IL,J,MX) 1.4% (CA)	35%
	Other, parts of printed circuit assemblies, including face plates and lock latches:			
	Of television apparatus:			
8529.90.63	For television cameras............	4.2%	Free (A,CA,E,IL,J,MX)	35%
8529.90.69	Other............................	3.7%	Free (B,E,IL,J,MX) 1.4% (CA)	35%
8529.90.73	Of radar, radio navigational aid or radio remote control apparatus.........	4.9%	Free (A,CA,E,IL,J,MX)	35%
8529.90.76	Other..................................	5.9%	Free (A,B,CA,E,IL,J,MX)	35%

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75. (con.):

	[Parts suitable for use solely or...:] [(con.)]			
	[Other:] [(con.)]			
	Other parts of articles of headings 8525 and 8527, except parts of cellular telephones:			
	Of televisions apparatus:			
8529.90.79	For television cameras............	4.2%	Free (A,CA,E,IL,J, MX)	35%
8529.90.83	Other.............................	3.7%	Free (B,E,IL,J,MX) 1.4% (CA)	35%
8529.90.85	Other..................................	5.9%	Free (A,B,CA,E,IL, J,MX)	35%
	Other:			
	Of television receivers:			
	Subassemblies, for color television receivers, containing two or more printed circuit boards or ceramic substrates with components assembled thereon, except tuners or convergence assemblies:			
8529.90.86	Entered with components enumerated in additional U.S. note 4 to this chapter......................	5%	Free (B,E,IL,J,MX) 2% (CA)	35%
8529.90.89	Other........................	3.7%	Free (B,E,IL,J,MX) 1.4% (CA)	35%
8529.90.93	Other............................	3.7%	Free (B,E,IL,J,MX) 1.4% (CA)	35%
	Of radar, radio navigational aid or radio remote control apparatus:			
8529.90.95	Assemblies and subassemblies, consisting of 2 or more parts or pieces fastened or joined together..........................	4.9%	Free (A,C,CA,E,IL, J,MX)	35%
8529.90.97	Other.............................	4.9%	Free (A,CA,E,IL,J, MX)	35%
8529.90.99	Other..................................	5.9%	Free (A,B,CA,E,IL, J,MX)	35%"

76. Subheadings 8531.80.00 and 8531.90.00 are superseded by:

	[Electric sound or visual signaling...:]			
"8531.80	Other apparatus:			
8531.80.40	Paging alert devices........................	2.7%	Free (A,B,C,CA,E, IL,J,MX)	35%
8531.80.80	Other......................................	2.7%	Free (A,B,C,CA,E, IL,J,MX)	35%
8531.90	Parts:			
8531.90.40	Printed circuit assemblies..................	2.7%	Free (A,B,CA,E,IL, J,MX)	35%
8531.90.80	Other......................................	2.7%	Free (A,B,CA,E,IL, J,MX)	35%"

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Section (A). (con.)

77(a). Subheadings 8533.40.00 and 8533.90.00 are superseded by:

	[Electrical resistors (including...:]			
"8533.40	Other variable resistors, including rheostats and potentiometers:			
8533.40.40	Metal oxide varistors.......................	Free		35%
8533.40.80	Other.......................................	6%	Free (B,CA,E,IL,J, MX)	35%
8533.90	Parts:			
8533.90.40	For the goods of subheading 8533.40, of ceramic or metallic materials, electrically or mechanically reactive to changes in temperature....................	6%	Free (B,CA,E,IL,J, MX)	35%
8533.90.80	Other.......................................	6%	Free (B,CA,E,IL,J, MX)	35%"

(b). Conforming change: The article description for subheading 9902.85.33 is modified by deleting "8533.40.00" and inserting "8533.40.40" in lieu thereof.

78(a). Subheading 8535.90.00 is superseded by:

	[Electrical apparatus for switching or...:]			
"8535.90	Other:			
8535.90.40	Motor starters and motor overload protectors..................................	5.3%	Free (A,E,IL,J,MX) 2.1% (CA)	35%
8535.90.80	Other.......................................	5.3%	Free (A,E,IL,J,MX) 2.1% (CA)	35%"

(b). Conforming change: The article descriptions for subheadings 9905.85.66 and 9905.85.71 are modified by deleting "8535.90.00" and inserting "8535.90" in lieu thereof.

79(a). Subheadings 8536.30.00 and 8536.50.00 are superseded and the following inserted in numerical sequence:

	[Electrical apparatus for switching or...:]			
"8536.30	Other apparatus for protecting electrical circuits:			
8536.30.40	Motor overload protectors...................	5.3%	Free (A,B,E,IL,J, MX) 2.1% (CA)	35%
8536.30.80	Other.......................................	5.3%	Free (A,B,E,IL,J, MX) 2.1% (CA)	35%
8536.50	Other switches:			
8536.50.40	Motor starters..............................	5.3%	Free (A,B,E,IL,J) 2.1% (CA) [See Annex III(B) to this Proclamation] (MX)	35%
8536.50.80	Other.......................................	5.3%	Free (A,B,E,IL,J) 2.1% (CA) [See Annex III(B) to this Proclamation] (MX)	35%"

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79.

(b). Conforming changes:

(i) The article description for subheading 9905.85.71 is modified by deleting "8536.30.00" and inserting "8536.30" and by deleting "8536.50.00" and inserting "8536.50" in each instance of their appearance in the article description.

(ii) The article descriptions for subheadings 9905.85.74 and 9905.85.76 are modified by deleting "8536.30.00" and inserting "8536.30" in lieu thereof.

(iii) The article description for subheading 9905.85.78 is modified by deleting "8536.50.00" and inserting "8536.50" in lieu thereof.

80. Subheading 8537.10.00 is superseded by:

	[Boards, panels (including numerical...:]			
"8537.10	For a voltage not exceeding 1,000 V:			
8537.10.30	Assembled with outer housing or supports, for the goods of headings 8421, 8422, 8450 or 8516	5.3%	Free (A,B,CA,E,IL, J,MX)	35%
8537.10.60	Motor control centers	5.3%	Free (A,B,CA,E,IL, J,MX)	35%
8537.10.90	Other	5.3%	Free (A,B,CA,E,IL, J,MX)	35%"

81(a). Subheading 8538.90.00 is superseded by:

	[Parts suitable for use solely or...:]			
"8538.90	Other:			
8538.90.20	Printed circuit assemblies	5.3%	Free (A,B,E,IL,J, MX) 2.1% (CA)	35%
8538.90.40	Other, for the articles of subheading 8535.90.40, 8536.30.40 or 8536.50.40, of ceramic or metallic materials, electrically or mechanically reactive to changes in temperature	5.3%	Free (A,B,E,IL,J, MX) 2.1% (CA)	35%
	Other:			
8538.90.60	Molded parts	5.3%	Free (A,B,E,IL,J, MX) 2.1% (CA)	35%
8538.90.80	Other	5.3%	Free (A,B,E,IL,J, MX) 2.1% (CA)	35%"

(b). Conforming change: The article description for subheading 9905.85.71 is modified by deleting "8538.90.00" and inserting "8538.90" in lieu thereof.

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Section (A). (con.)

82(a). Subheadings 8540.11.00, 8540.12.40, 8540.12.80, 8540.91.40 and 8540.99.00 are superseded and the following inserted in numerical sequence:

	[Thermionic, cold cathode or...:]			
	[Cathode-ray television picture...:]			
"8540.11	Color:			
8540.11.10	Non-high definition, non-projection, having a video display diagonal exceeding 35.56 cm......................	15%	Free (B,E,IL,J,MX) 6% (CA)	60%
8540.11.20	Non-high definition, non-projection, having a video display diagonal not exceeding 35.56 cm.....................	15%	Free (B,E,IL,J,MX) 6% (CA)	60%
8540.11.30	High definition, having a video display diagonal exceeding 35.56 cm....	15%	Free (B,E,IL,J,MX) 6% (CA)	60%
8540.11.40	High definition, having a video display diagonal not exceeding 35.56 cm................................	15%	Free (B,E,IL,J,MX) 6% (CA)	60%
8540.11.50	Other...................................	15%	Free (B,E,IL,J,MX) 6% (CA)	60%
	[Black and white or other monochrome:]			
	Television picture tubes having a straight line dimension across the faceplate greater than 29 cm but having no straight line dimension across the faceplate that exceeds 42 cm:			
8540.12.10	Non-high definition..............	7.2%	Free (A,B,E,IL,J, MX) 2.8% (CA)	60%
8540.12.20	High definition...................	7.2%	Free (A,B,E,IL,J, MX) 2.8% (CA)	60%
	Other:			
8540.12.50	Non-high definition..............	6.5%	Free (B,E,IL,J,MX) 2.6% (CA)	60%
8540.12.70	High definition...................	6.5%	Free (B,E,IL,J,MX) 2.6% (CA)	60%
	[Parts:]			
	[Of cathode-ray tubes:]			
8540.91.15	Front panel assemblies.................	6%	Free (B,E,IL,J,MX) 2.4% (CA)	35%
8540.91.50	Other.................................	6%	Free (B,E,IL,J,MX) 2.4% (CA)	35%
8540.99	Other:			
8540.99.40	Electron guns; radio frequency (RF) interaction structures for microwave tubes of subheadings 8540.41 through 8540.49, inclusive.....................	4.2%	Free (E,IL,J,MX) 1.6% (CA)	35%
8540.99.80	Other..................................	4.2%	Free (E,IL,J,MX) 1.6% (CA)	35%"

(b). Conforming change: The article description for subheading 9902.85.40 is modified by deleting "8540.11.00" and inserting "8540.11" in lieu thereof.

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Section (A). (con.)

83. Subheadings 8541.40.80, 8541.40.95 and 8541.60.00 are modified by deleting from the Rates of Duty 1 Special subcolumn the "Free" rate of duty and the symbols and parentheses following such rate and by deleting from the Rates of Duty 1 General subcolumn the "4.2%" and inserting "Free" in lieu thereof.

84. Subheading 8541.50.00 is modified by deleting from the Rates of Duty 1 Special subcolumn the "Free" rate of duty and the symbols and parentheses following such rate and by deleting from the Rates of Duty 1 General subcolumn the "1%" and inserting "Free" in lieu thereof.

85. Subheading 8542.11.00 is superseded by:

	[Electronic integrated circuits and...:]			
	[Monolithic integrated circuits:]			
"8542.11	Digital:			
8542.11.40	For high definition television, having greater than 100,000 gates......	Free		35%
8542.11.80	Other..................................	Free		35%"

86(a). Subheading 8542.80.00 is modified by deleting from the Rates of Duty 1 Special subcolumn the "Free" rate of duty and the symbols and parentheses following such rate and by deleting from the Rates of Duty 1 General subcolumn the "3.9%" and inserting "Free" in lieu thereof.
(b). Conforming change: General note 4(d) is modified by deleting "8542.80.00 Malaysia" from such note.

87(a). Subheadings 8543.80.90, 8543.90.40 and 8543.90.80 are superseded and the following inserted in numerical sequence:

	[Electrical machines and apparatus, having...:]			
	[Other machines and apparatus:]			
	"Other:			
8543.80.85	Microwave amplifiers..................	3.9%	Free (A,B,CA,E,IL, J,MX)	35%
8543.80.95	Other..................................	3.9%	Free (A,B,CA,E,IL, J,MX)	35%
	[Parts:]			
	Assemblies and subassemblies for flight data recorders, consisting of two or more parts or pieces fastened or joined together:			
8543.90.15	Printed circuit assemblies............	3.9%	Free (A,B,C,CA,E, IL,J,MX)	35%
8543.90.35	Other..................................	3.9%	Free (A,B,C,CA,E, IL,J,MX)	35%
	Other:			
8543.90.55	Printed circuit assemblies............	3.9%	Free (A,B,CA,E,IL, J,MX)	35%
8543.90.75	Other..................................	3.9%	Free (A,B,CA,E,IL, J,MX)	35%"

(b). Conforming change: Subdivision (u) of U.S. note 2 of subchapter XVII to chapter 98 is modified by deleting "8543.80.90," and inserting "8543.80.85, 8543.80.95," in lieu thereof.

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Section (A). (con.)

88. Subheadings 8607.19.10 and 8607.19.20 are superseded and the following inserted in numerical sequence:

	[Parts of railway or tramway...:]			
	[Truck assemblies, axles and...:]			
	[Other, including parts:]			
	"Axles and parts thereof:			
8607.19.03	Axles............................	0.5%	Free (CA,E,IL,J) [See Annex III(B) to this Proclamation] (MX)	3%
8607.19.06	Parts of axles....................	0.5%	Free (CA,E,IL,J) [See Annex III(B) to this Proclamation] (MX)	3%
	Wheels and parts thereof, and any of such wheels or parts imported with axles fitted in them:			
8607.19.12	Wheels, whether or not fitted with axles........................	Free		2.2¢/kg
8607.19.15	Parts of wheels..................	Free		2.2¢/kg"

89. Subheadings 8702.10.00 and 8702.90.00 are superseded by:

	[Motor vehicles for the transport of ten...:]			
"8702.10	With compression-ignition internal combustion piston engine (diesel or semi-diesel):			
8702.10.30	Designed for the transport of 16 or more persons, including the driver..............	3.1%	Free (A,B,CA,E,IL, J,MX)	25%
8702.10.60	Other......................................	3.1%	Free (A,B,CA,E,IL, J,MX)	25%
8702.90	Other:			
8702.90.30	Designed for the transport of 16 or more persons, including the driver..............	3.1%	Free (A,B,CA,E,IL, J,MX)	25%
8702.90.60	Other......................................	3.1%	Free (A,B,CA,E,IL, J,MX)	25%"

90. Subheading 8706.00.10 is superseded by:

	[Chassis fitted with engines, for...:]			
	"For the vehicles of subheading 8701.20 or heading 8702 or 8704:			
8706.00.03	For the vehicles of subheading 8704.21 or 8704.31.................................	4%	Free (B,CA,E,IL,J) [See Annex III(B) to this Proclamation] (MX)	25%
8706.00.05	Other......................................	4%	Free (B,CA,E,IL,J) [See Annex III(B) to this Proclamation] (MX)	25%"

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Section (A). (con.)

91. Subheadings 8708.10.00, 8708.29.00, 8708.70.10, 8708.70.30, 8708.70.80, 8708.80.10, 8708.80.50, 8708.93.10, 8708.93.50, 8708.99.10, 8708.99.20, 8708.99.30 and 8708.99.50 are superseded and the following inserted in numerical sequence:

	[Parts and accessories of the motor...:]			
"8708.10	Bumpers and parts thereof:			
8708.10.30	Bumpers	3.1%	Free (A,B,E,IL,J, MX) 1.2% (CA)	25%
8708.10.60	Parts of bumpers	3.1%	Free (A,B,E,IL,J, MX) 1.2% (CA)	25%
	[Other parts and accessories of bodies (including cabs):]			
8708.29	Other:			
8708.29.10	Inflators and modules for airbags	3.1%	Free (A,B,E,IL,J, MX) 1.2% (CA)	25%
8708.29.15	Door assemblies	3.1%	Free (A,B,E,IL,J, MX) 1.2% (CA)	25%
8708.29.20	Body stampings	3.1%	Free (A,B,E,IL,J, MX) 1.2% (CA)	25%
8708.29.50	Other	3.1%	Free (A,B,E,IL,J, MX) 1.2% (CA)	25%
	[Road wheels and parts and accessories:]			
	[For tractors (except road tractors):]			
	For tractors suitable for agricultural use:			
8708.70.05	Road wheels	Free		Free
8708.70.15	Parts and accessories	Free		Free
	For other tractors:			
8708.70.25	Road wheels	2.2%	Free (A,E,IL,J,MX) 0.8% (CA)	27.5%
8708.70.35	Parts and accessories	2.2%	Free (A,E,IL,J,MX) 0.8% (CA)	27.5%
	For other vehicles:			
8708.70.45	Road wheels	3.1%	Free (A,B,E,IL,J, MX) 1.2% (CA)	25%
8708.70.60	Parts and accessories	3.1%	Free (A,B,E,IL,J, MX) 1.2% (CA)	25%
	[Suspension shock absorbers:]			
	For tractors suitable for agricultural use:			
8708.80.15	McPherson struts	Free		Free
8708.80.25	Other	Free		Free
	For other vehicles:			
8708.80.30	McPherson struts	3.1%	Free (A,B,E,IL,J, MX) 1% (CA)	25%
8708.80.45	Other	3.1%	Free (A,B,E,IL,J, MX) 1% (CA)	25%

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Section (A). (con.)

91. (con.):

	[Parts and accessories of the motor...:] [(con.)]			
	[Other parts and accessories:]			
	[Clutches and parts thereof:]			
	For tractors suitable for agricultural use:			
8708.93.15	Clutches	Free		Free
8708.93.30	Parts	Free		Free
	For other vehicles:			
8708.93.60	Clutches	3.1%	Free (A,B,E,IL,J, MX) 1.2% (CA)	25%
8708.93.75	Parts	3.1%	Free (A,B,E,IL,J, MX) 1.2% (CA)	25%
	[Other:]			
	Parts of tractors suitable for agricultural use:			
8708.99.03	Vibration control goods containing rubber	Free		Free
8708.99.06	Double flanged wheel hub units incorporating ball bearings	Free		Free
8708.99.09	Airbags	Free		Free
8708.99.12	Half-shafts and drive shafts	Free		Free
8708.99.15	Other parts for power trains	Free		Free
8708.99.18	Parts for suspension systems	Free		Free
8708.99.21	Parts for steering systems	Free		Free
8708.99.24	Other	Free		Free
	Parts of other tractors (except road tractors):			
8708.99.27	Vibration control goods containing rubber	2.2%	Free (A,E,IL,J,MX) 0.8% (CA)	27.5%
8708.99.31	Double flanged wheel hub units incorporating ball bearings	2.2%	Free (A,E,IL,J,MX) 0.8% (CA)	27.5%
8708.99.34	Airbags	2.2%	Free (A,E,IL,J,MX) 0.8% (CA)	27.5%
8708.99.37	Half-shafts and drive shafts	2.2%	Free (A,E,IL,J,MX) 0.8% (CA)	27.5%
8708.99.40	Other parts for power trains	2.2%	Free (A,E,IL,J,MX) 0.8% (CA)	27.5%
8708.99.43	Parts for suspension systems	2.2%	Free (A,E,IL,J,MX) 0.8% (CA)	27.5%
8708.99.46	Parts for steering systems	2.2%	Free (A,E,IL,J,MX) 0.8% (CA)	27.5%
8708.99.49	Other	2.2%	Free (A,E,IL,J,MX) 0.8% (CA)	27.5%

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Section (A). (con.)

91. (con.):

[Parts and accessories of the motor...:] [(con.)]
[Other parts and accessories:] [(con.)]
[Other:] [(con.)]
Other:

8708.99.52	Of cast-iron......................	Free		Free
	Other:			
8708.99.55	Vibration control goods containing rubber............	3.1%	Free (A,E,IL,J,MX) 1.2% (CA)	25%
8708.99.58	Double flanged wheel hub units incorporating ball bearings.....................	3.1%	Free (A,E,IL,J,MX) 1.2% (CA)	25%
8708.99.61	Airbags......................	3.1%	Free (A,E,IL,J,MX) 1.2% (CA)	25%
8708.99.64	Half-shafts and drive shafts.......................	3.1%	Free (A,E,IL,J,MX) 1.2% (CA)	25%
8708.99.67	Other parts for power trains.......................	3.1%	Free (A,E,IL,J,MX) 1.2% (CA)	25%
8708.99.70	Parts for suspension systems......................	3.1%	Free (A,E,IL,J,MX) 1.2% (CA)	25%
8708.99.73	Parts for steering systems...	3.1%	Free (A,E,IL,J,MX) 1.2% (CA)	25%
8708.99.80	Other........................	3.1%	Free (A,E,IL,J,MX) 1.2% (CA)	25%"

92. The additional U.S. notes to chapter 90 are modified by inserting the following additional U.S. notes in numerical sequence:

"4. For the purposes of this chapter, the term "printed circuit assembly" means goods consisting of one or more printed circuits of heading 8534 with one or more active elements assembled thereon, with or without passive elements. For the purposes of this note, "active elements" means diodes, transistors and similar semiconductor devices, whether or not photosensitive, of heading 8541, and integrated circuits and microassemblies of heading 8542.

5. Subheading 9009.90.40 covers the following parts of photocopying apparatus of subheading 9009.12:
   (a) Imaging assemblies, incorporating more than one of the following: photoreceptor belt or cylinder, toner receptacle unit, toner distribution unit, developer receptacle unit, developer distribution unit, charge/discharge unit, cleaning unit;
   (b) Optics assemblies, incorporating more than one of the following: lens, mirror, illumination source, document exposure glass;
   (c) User control assemblies, incorporating more than one of the following: printed circuit assembly, power supply, user input keyboard, wiring harness, display unit (cathode ray type or flat panel);
   (d) Image fixing assemblies, incorporating more than one of the following: fuser, pressure rollers, heating elements, release oil dispenser, cleaning unit, electrical controls;
   (e) Paper handling assemblies, incorporating more than one of the following: paper transport belt, roller, print bar, carriage, gripper roller, paper storage unit, exit tray; or
   (f) Combinations of the above specified assemblies."

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Section (A). (con.)

93. Subheading 9005.90.00 is superseded by:

	[Binoculars, monoculars, other optical...:]			
"9005.90	Parts and accessories (including mountings):			
9005.90.40	Incorporating goods of heading 9001 or 9002	The rate applicable to the article of which it is a part or accessory	Free (A,E,IL,J,MX) The rate applicable to the article of which it is a part or accessory (CA)	The rate applicable to the article of which it is a part or accessory
9005.90.80	Other	The rate applicable to the article of which it a part or accessory	Free (A,E,IL,J,MX) The rate applicable to the article of which it is a part or accessory (CA)	The rate applicable to the article of which it is a part or accessory"

94. Subheading 9007.19.00 is superseded by:

	[Cinematographic cameras and projectors...:]			
	[Cameras:]			
"9007.19	Other:			
9007.19.40	Gyrostabilized	4.5%	Free (A,E,IL,J,MX) 1.5% (CA)	20%
9007.19.80	Other	4.5%	Free (A,E,IL,J,MX) 1.5% (CA)	20%"

95(a). Subheading 9009.90.00 is superseded by:

	[Photocopying apparatus incorporating...:]			
"9009.90	Parts and accessories:			
9009.90.40	Parts of photocopying apparatus of subheading 9009.12 specified in additional U.S. note 5 to this chapter	3.9%	Free (A,CA,E,IL,J, MX)	35%
9009.90.80	Other	3.9%	Free (A,CA,E,IL,J, MX)	35%"

(b). Conforming change: The article description for subheading 9902.90.90 is modified by deleting "9009.90.00" and inserting "9009.90" in lieu thereof.

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Section (A). (con.)

96. Subheadings 9018.11.00, 9018.19.80 and 9018.90.70 are superseded and the following inserted in numerical sequence:

	[Instruments and appliances used in medical...:]			
	[Electro-diagnostic apparatus...:]			
"9018.11	Electrocardiographs, and parts and accessories thereof:			
9018.11.30	Electrocardiographs....................	4.2%	Free (A,E,IL,J,MX) 1.6% (CA)	35%
9018.11.60	Printed circuit assemblies............	4.2%	Free (A,E,IL,J,MX) 1.6% (CA)	35%
9018.11.90	Other..................................	4.2%	Free (A,E,IL,J,MX) 1.6% (CA)	35%
	[Other:]			
	Other:			
9018.19.55	Patient monitoring systems........	4.2%	Free (A,CA,E,IL,J,MX)	35%
9018.19.75	Printed circuit assemblies for parameter acquisition modules.....	4.2%	Free (A,CA,E,IL,J,MX)	35%
9018.19.95	Other.............................	4.2%	Free (A,CA,E,IL,J,MX)	35%
	[Other instruments and appliances...:]			
	[Other:]			
	[Electro-medical instruments...:]			
	Other:			
9018.90.64	Defibrillators...............	4.2%	Free (A,CA,E,IL,J,MX)	35%
9018.90.68	Printed circuit assemblies for the defibrillators of subheading 9018.90.64........	4.2%	Free (A,CA,E,IL,J,MX)	35%
9018.90.75	Other........................	4.2%	Free (A,CA,E,IL,J,MX)	35%"

97. Subheadings 9022.90.20, 9022.90.40, 9022.90.60, 9022.90.70, 9022.90.90 and the superior texts immediately preceding subheadings 9022.90.40 and 9022.90.60 are superseded and the following inserted in numerical sequence:

	[Apparatus based on the use of X-rays or...:]			
	[Other, including parts and accessories:]			
"9022.90.05	Radiation generator units...................	2.1%	Free (A,E,IL,J,MX) 0.8% (CA)	35%
9022.90.15	Radiation beam delivery units...............	4%	Free (A,E,IL,J,MX) 1.6% (CA)	35%
	Other:			
9022.90.25	Other apparatus........................	2.1%	Free (A,E,IL,J,MX) 0.8% (CA)	35%

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97. (con.):

	[Apparatus based on the use of X-rays or...:] [(con.)]			
	[Other, including parts and accessories:] [(con.)]			
	Other (con.):			
	Parts and accessories:			
9022.90.40	Of X-ray tubes....................	2.5%	Free (A,E,IL,J,MX) 1% (CA)	35%
	Other:			
9022.90.60	Of apparatus based on the use of X-rays................	2.1%	Free (A,E,IL,J,MX) 0.8% (CA)	35%
9022.90.70	Of smoke detectors, ionization type..............	2.7%	Free (A,B,E,IL,J, MX) 1% (CA)	35%
9022.90.95	Other........................	4%	Free (A,E,IL,J,MX) 1.6% (CA)	35%"

98. Subheadings 9027.80.40, 9027.80.80 and 9027.90.44 are superseded and the following inserted in numerical sequence:

	[Instruments and apparatus for physical or...:]			
	[Other instruments and apparatus:]			
"9027.80.25	Nuclear magnetic resonance instruments......	4.9%	Free (A,E,IL,J,MX) 1.9% (CA)	40%
	Other:			
9027.80.45	Electrical............................	4.9%	Free (A,E,IL,J,MX) 1.9% (CA)	40%
9027.80.80	Other.................................	6.2%	Free (A,E,IL,J,MX) 2.4% (CA)	40%
	[Microtomes; parts and accessories:]			
	[Parts and accessories:]			
	[Of electrical instruments and apparatus:]			
	Other:			
9027.90.45	Printed circuit assemblies for the goods of subheading 9027.80......................	4.9%	Free (A,CA,E,IL,J, MX)	40%
9027.90.55	Other........................	4.9%	Free (A,CA,E,IL,J, MX)	40%"

99(a). Subheadings 9030.90.40 and 9030.90.80 are superseded by:

	[Oscilloscopes, spectrum analyzers and...:]			
	[Parts and accessories:]			
	"For articles of subheading 9030.10:			
9030.90.25	Printed circuit assemblies.............	4.7%	Free (A,C,E,IL,J, MX) 1.8% (CA)	40%
9030.90.45	Other.................................	4.7%	Free (A,C,E,IL,J, MX) 1.8% (CA)	40%

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99(a). (con.):

	[Oscilloscopes, spectrum analyzers and...:] [(con.)]			
	[Parts and accessories:] [(con.)]			
	Other:			
9030.90.65	Printed circuit assemblies............	4.9%	Free (A,B,C,E,IL, J,MX) 1.9% (CA)	40%
9030.90.85	Other.................................	4.9%	Free (A,B,C,E,IL, J,MX) 1.9% (CA)	40%"

(b). Conforming change: The article descriptions for subheadings 9905.90.05 and 9905.90.10 are modified by deleting "9030.90.80" and inserting "9030.90.65 or 9030.90.85" in lieu thereof.

100. Subheadings 9031.40.00 and 9031.90.40 are superseded and the following inserted in numerical sequence:

	[Measuring or checking instruments...:]			
"9031.40	Other optical instruments and appliances:			
9031.40.40	Coordinate-measuring machines...............	10%	Free (A,CA,E,IL,J, MX)	50%
9031.40.80	Other......................................	10%	Free (A,CA,E,IL,J, MX)	50%
	[Parts and accessories:]			
	Of other optical instruments and appliances, other than test benches:			
9031.90.45	Bases and frames for the coordinate-measuring machines of subheading 9031.40.40.................	10%	Free (A,CA,E,IL,J, MX)	50%
9031.90.55	Other.................................	10%	Free (A,CA,E,IL,J, MX)	50%"

101. U.S. note 1 to subchapter II of chapter 98 is modified by deleting "This subchapter" and inserting "Except for goods subject to NAFTA drawback, this subchapter" in lieu thereof.

102. Subdivision (b) of U.S. note 3 to subchapter II of chapter 98 is modified by inserting after "The duty" the phrase ", if any,".

103. U.S. note 4 to subchapter II of chapter 98 is modified by deleting "heading 9802.00.80" and inserting "headings 9802.00.80 and 9802.00.90" in lieu thereof and subdivision (b) of such note 4 is modified by inserting after "The duty" the phrase ", if any,".

104. Heading 9802.00.80 is modified by inserting after the word "Articles" the phrase ", except goods of heading 9802.00.90,".

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Section (A). (con.)

105. A new heading 9802.00.90 is inserted in subchapter II to chapter 98, in numerical sequence, as follows:

"9802.00.90	Textile and apparel goods, assembled in Mexico in whole of fabrics wholly formed and cut in the United States, which (a) were exported in condition ready for assembly without further fabrication, (b) have not lost their physical identity in such articles by change in form, shape or otherwise, and (c) have not been advanced in value or improved in condition abroad except by being assembled and except by operations incidental to the assembly process; provided that goods classifiable in chapters 61, 62 or 63 may have been subject to bleaching, garment dyeing, stone-washing, acid-washing or perma-pressing after assembly as provided herein......................................	Free (see U.S. note 4 of this subchapter)"

106. U.S. note 2(b) to subchapter II of chapter 98 is modified by deleting "general note 3(c)(v)(A)" and inserting "general note 7(a)" in lieu thereof.

107. U.S. note 4 to subchapter IV of chapter 98 is modified by deleting "general note 3(c)(v)(A) or a country designated as a beneficiary country under the Andean Trade Preference Act." and inserting "general notes 7(a) or 11(a)." in lieu thereof.

108. U.S. note 1(c) to subchapter XIII of chapter 98 is deleted and a new U.S. note 1(c) to subchapter XIII of chapter 98 is added in lieu thereof as follows:

"(c) For purposes of this subchapter, an article imported into the United States under heading 9813.00.05 that is withdrawn for exportation to the territory of Canada or of Mexico shall be assessed a duty in an amount that does not exceed the lesser of 1) the total amount of customs duties owed under the tariff schedule, or 2) the total amount of customs duties paid or payable to Canada or to Mexico on the exported article, unless such article is covered by section 203(a)(1) through 203(a)(8), inclusive, of the NAFTA Implementation Act. The amount of duties or refunds calculated on such articles pursuant to this note shall be adjusted to take into account any subsequent claim for preferential tariff treatment made to another NAFTA country. This note shall apply to shipments to Canada on or after January 1, 1996, and to Mexico on or after January 1, 2001."

109. The U.S. notes to subchapter II of chapter 99 is modified by deleting U.S. notes 8 and 10 to such subchapter.

110. Subheadings 9902.20.07, 9902.29.50, 9902.38.12 and 9902.81.05 are deleted.

111. Subheading 9902.30.71 is modified by deleting from the Rates of Duty 1 Special subcolumn for such subheading the parentheses and the symbols "E" and "IL" in the parentheses following the "No change" and the "Free" rate of duty and the parenthetical symbol "CA".

112. Subheadings 9902.62.10, 9902.84.83 and 9903.87.00 are modified by inserting in the Rates of Duty 1 Special subcolumn for such subheadings the symbol "MX" in alphabetical order in the parentheses following the "No change" in such subcolumn.

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Section (A). (con.)

113. Subheadings 9903.28.01 and 9903.28.02 are deleted.

114. U.S. note 1 to subchapter IV of chapter 99 is deleted and a new U.S. note 1 to subchapter IV of chapter 99 is added in lieu thereof as follows:

"1. This subchapter covers the provisions established pursuant to section 22 of the Agricultural Adjustment Act, as amended (17 U.S.C. 624), imposing import fees, herein referred to as duties, and quantitative limitations on articles imported into the United States. The duties provided for in this subchapter are cumulative duties which apply in addition to the duties, if any, otherwise imposed on the articles involved. Unless otherwise stated, the duties and quantitative limitations provided for in this subchapter apply until suspended or terminated. The provisions of this subchapter shall not apply to articles imported into the United States that are qualifying goods of Mexico."

115. Subheading 9904.10.57 is modified by deleting "1901.90.30" and inserting "1901.90.31 or 1901.90.39" in lieu thereof.

116. Subheading 9904.30.10 is modified by deleting "Mexico" from the article description and by deleting "4,029,378" from the Quota Quantity column.

117. Subheading 9904.60.20 is modified by deleting "2,721" from the Quota Quantity column for such subheading and inserting "2,313" in lieu thereof in such column.

118. Subheading 9904.60.40 is modified by deleting "6,350" from the Quota Quantity column for such subheading and inserting "5,398" in lieu thereof in such column.

119. Subheading 9904.60.60 is modified by deleting "76,203" from the Quota Quantity column for such subheading and inserting "64,773" in lieu thereof in such column.

120. U.S. note 1 to subchapter V of chapter 99 is modified by deleting "United States-Canada Free-Trade Agreement" and inserting "North American Free Trade Agreement" in lieu thereof.

121. The superior text to subheadings 9905.00.00 through 9905.96.30, inclusive, is deleted and the following superior text to such subheadings "Goods of Canada, under the terms of general note 12 to the tariff schedule" inserted in lieu thereof.

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122. New subheadings 9905.30.00 and 9905.30.07 are inserted in subchapter V to chapter 99, in numerical sequence, as follows:

	[Goods of Canada,...:]	
"9905.30.00	Doxorubicin hydrochloride (provided for in subheading 3003.20 or 3004.20)..................	Free (CA)
9905.30.07	Nicotine resin complex put in measured doses in chewing gum form (provided for in subheading 3004.40.00)...........................	Free (CA)

123. Chapter 99 is modified by inserting a new subchapter at the end thereof, as follows:

"SUBCHAPTER VI

TEMPORARY MODIFICATIONS ESTABLISHED PURSUANT TO THE NORTH AMERICAN FREE TRADE AGREEMENT

U.S. Notes

1. This subchapter contains temporary modifications of the provisions of the tariff schedule established pursuant to the North American Free Trade Agreement. Goods of Mexico, entered under the terms of general note 12 to the tariff schedule, and described in the provisions of this subchapter, for which a rate of duty followed by the symbol "(MX)" is herein provided, are subject to duty at the rate set forth in this subchapter in lieu of the rate provided therefor in chapters 1 through 97. Notwithstanding quota provisions provided for elsewhere in the tariff schedule, originating goods of Mexico shall be permitted to enter the United States to the extent allowable in the provisions of this subchapter. Furthermore, any quota provided for Mexico on goods in this subchapter shall not be counted toward any quota provided for such good elsewhere in the tariff schedule. No other preferential tariff treatment provided for under general notes 4 through 11, inclusive, to the tariff schedule shall be afforded to goods described in the provisions of this subchapter. Whenever the pertinent special rate or rates in provisions of chapters 1 through 97, inclusive, of the tariff schedule, shall be reduced to "free" for all of the goods described in a provision of this subchapter and entered from Mexico under the terms of general note 12 to the tariff schedule, such provision shall be deleted from this subchapter, and the appropriate subheading for the good in chapters 1 through 97 shall be modified by deleting from the Rates of Duty 1 Special subcolumn the symbol "MX" in parentheses and the phrase preceding such symbol and by inserting in a "Free" rate of duty in such subcolumn the symbol "MX", alphabetical order. Unless otherwise provided, the provisions and notes of this subchapter are effective as to such goods of Mexico entered, under general note 12 to the tariff schedule, through the close of December 31, 2008, at the close of which date this subchapter shall be deleteo from the tariff schedule and shall cease to apply to any goods entered after that date.

2. For purposes of this subchapter, the rate of duty followed by the symbol "(MX)" provided for in subheadings 9906.04.01 through 9906.22.05, inclusive, in subheadings 9906.23.01, 9906.23.02, and 9906.23.03 and in subheadings 9906.52.01 through 9906.52.07, inclusive, shall apply only to qualifying goods of Mexico.

3. Whenever goods are classifiable under a provision for which the temporary modification of the applicable North American Free Trade Agreement rate of duty is provided for in a subheading in this subchapter, the reporting number, in the absence of specific instructions to the contrary, shall be the appropriate statistical reporting number for the basic provision (the appropriate provision for classification purposes in chapters 1 through 97) preceded by the subheading number of this subchapter. For statistical purposes, both the basic provision statistical reporting number and the applicable subheading number of this subchapter shall be collected by the United States Bureau of Census.

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123. (con.):

4. The aggregate quantity of milk and cream, fluid or frozen, fresh or sour, containing over 6 percent but not over 45 percent by weight of butterfat, or of ice cream, that are qualifying goods entered under subheadings 9906.04.01, 9906.04.36 and 9906.21.19 in any calendar year, shall not exceed the quantity specified below for that year.

Year	Quantity (liters)
1994	366,000
1995	377,000
1996	388,000
1997	400,000
1998	412,000
1999	424,000
2000	437,000
2001	450,000
2002	464,000

Beginning in calendar year 2003 quantitative limitations shall cease to apply on such qualifying goods.

5. The aggregate quantity of dried milk and dried cream, in powder, granules or other solid forms, not containing added sugar or other sweetening matter, of a fat content, by weight, exceeding 35 percent, of dried sour cream and buttermilk containing over 35 percent but not over 45 percent by weight of butterfat, of butter, and fresh or sour cream containing over 45 percent by weight of butterfat, or of butter substitutes containing over 45 percent by weight of butterfat and butter oil, that are qualifying goods entered under subheadings 9906.04.04, 9906.04.20, 9906.04.45, 9906.04.48, 9906.04.75, 9906.04.78 and 9906.21.31 in any calendar year, shall not exceed the quantity specified below for that year.

Year	Quantity (kg)
1994	43,000
1995	44,000
1996	46,000
1997	47,000
1998	48,000
1999	50,000
2000	51,000
2001	53,000
2002	54,000

Beginning in calendar year 2003 quantitative limitations shall cease to apply on such qualifying goods.

6. The aggregate quantity of dried milk and dried cream, in powder, granules or other solid forms, of a fat content, by weight, not exceeding 1.5 percent, of dried milk and dried cream, in powder, granules or other solid forms, not containing added sugar or other sweetening matter, of a fat content, by weight, exceeding 1.5 percent but not exceeding 35 percent, of dried sour cream and buttermilk containing not over 35 percent by weight of butterfat, of dried whey, or of animal feeds containing milk or milk derivatives, that are qualifying goods entered under subheadings 9906.04.07, 9906.04.14, 9906.04.17, 9906.04.39, 9906.04.42, 9906.04.60 and 9906.23.01 in any calendar year, shall not exceed the quantity specified below for that year.

Year	Quantity (kg)
1994	422,000
1995	435,000
1996	448,000
1997	461,000
1998	475,000
1999	489,000
2000	504,000
2001	519,000
2002	535,000

Beginning in calendar year 2003 quantitative limitations shall cease to apply on such qualifying goods.

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Section (A). (con.)

123. (con.):

7. The aggregate quantity of milk and cream, condensed or evaporated, of malted milk, and articles of milk or cream (except (a) yogurt that is not in dry form, (b) fermented milk other than dried fermented milk with added lactic ferments, (c) mixtures of nonfat dry milk and anhydrous butterfat containing over 5.5 percent but not over 45 percent by weight of butterfat, and (d) ice cream), of chocolate containing over 5.5 percent by weight of butterfat (except articles for consumption at retail as candy or confection), of chocolate and low fat chocolate crumb containing 5.5 percent or less by weight of butterfat (except articles for consumption at retail as candy or confection), dried milk, whey and buttermilk which contains not over 5.5 percent by weight of butterfat and which is mixed with other ingredients, including but not limited to sugar, if such mixtures contain over 16 percent milk solids by weight, are capable of being further processed or mixed with similar or other ingredients and are not prepared for marketing to the retail consumers in the identical form and package in which imported, or of articles containing over 5.5 percent by weight of butterfat, the butterfat of which is commercially extractable, or which are capable of being used for any edible purpose (except (a) articles provided for in headings 0401, 0402, 0405 or 0406 or subheadings 1901.10, 1901.90.31 or 1901.90.39 other than mixtures of nonfat dry milk and anhydrous butterfat containing not over 45 percent by weight of butterfat classifiable for tariff purposes under subheading 1901.90.31 or 1901.90.39, (b) dried mixtures containing less than 31 percent by weight of butterfat and consisting of not less than 17.5 percent by weight each of sodium caseinate, butterfat, whey solids containing over 5.5 percent by weight of butterfat, and dried whole milk, but not containing dried milk, dried whey or dried buttermilk any of which contains 5.5 percent or less by weight of butterfat, and (c) articles which are not suitable for use as ingredients in the commercial production of edible articles), that are qualifying goods entered under subheadings 9906.04.10, 9906.04.23, 9906.04.26, 9906.04.29, 9906.04.32, 9906.04.51, 9906.04.55, 9906.04.63, 9906.04.67, 9906.04.70, 9906.15.01, 9906.17.25, 9906.17.29, 9906.18.14, 9906.18.24, 9906.18.34, 9906.18.38, 9906.19.01, 9906.19.05, 9906.19.16, 9906.19.20, 9906.19.24, 9906.19.28, 9906.21.22, 9906.21.26, 9906.21.37, 9906.21.41 and 9906.22.01 in any calendar year, shall not exceed the quantity specified below for that year.

Year	Quantity (kg)
1994	773,000
1995	796,000
1996	820,000
1997	845,000
1998	870,000
1999	896,000
2000	923,000
2001	951,000
2002	979,000

Beginning in calendar year 2003 quantitative limitations shall cease to apply on such qualifying goods.

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Section (A). (con.)

123. (con.):

8. The aggregate quantity of blue-mold cheese and cheese and substitutes for cheese containing, or processed from, blue-mold cheese, of Cheddar cheese, and cheese and substitutes for cheese containing, or processed from, Cheddar cheese, of American-type cheese, including Colby, washed curd and granular cheese (but not including Cheddar) and cheese and substitutes for cheese containing, or processed from, such American-type cheese, of Edam and Gouda cheeses, of cheese and substitutes for cheese containing, or processed from, Edam and Gouda cheese, of Italian-type cheeses, made from cow's milk, in original loaves (Romano made from cow's milk, Reggiano, Parmesan, Provolone, Provoletti and Sbrinz), of Italian-type cheeses, made from cow's milk, not in original loaves (Romano made from cow's milk, Reggiano, Parmesan, Provolone, Provoletti, Sbrinz and Goya) and cheese and substitutes for cheese containing, or processed from, such Italian-type cheeses, whether or not in original loaves, of Swiss or Emmentaler cheese with eye formation, of Swiss or Emmentaler cheese other than with eye formation, Gruyere-process cheese and cheese and substitutes for cheese containing, or processed from, such cheeses, of other cheeses and substitutes for cheese (except cheese not containing cow's milk, soft ripened cow's milk cheese and cheese (except cottage cheese) containing 0.5 percent or less by weight of butterfat), and of other cheese, and substitutes for cheese, containing 0.5 percent or less by weight of butterfat, that are qualifying goods entered under subheadings 9906.04.81, 9906.04.83, 9906.04.86, 9906.04.89, 9906.04.92, 9906.04.95, 9906.04.98, 9906.05.01, 9906.05.04, 9906.05.07, 9906.05.11, 9906.05.14, 9906.05.17, 9906.05.20, 9906.05.23, 9906.05.28, 9906.05.31, 9906.05.34, 9906.05.37, 9906.05.40, 9906.05.43, 9906.05.46, 9906.05.50, 9906.05.53, 9906.05.56, 9906.05.59, 9906.05.63, 9906.05.66, 9906.05.69, 9906.05.72, 9906.05.76, 9906.05.79, 9906.05.82, 9906.05.86, 9906.05.89, 9906.05.92, 9906.05.95, 9906.05.99, 9906.06.02, 9906.06.05, 9906.06.08, 9906.06.12, 9906.06.16, 9906.06.19, 9906.06.22, 9906.06.25, 9906.06.28, 9906.06.31, 9906.06.34 and 9906.06.37 in any calendar year, shall not exceed the quantity specified below for that year.

Year	Quantity (kg)
1994	5,550,000
1995	5,716,000
1996	5,887,000
1997	6,064,000
1998	6,246,000
1999	6,433,000
2000	6,626,000
2001	6,825,000
2002	7,030,000

Beginning in calendar year 2003 quantitative limitations shall cease to apply on such qualifying goods.

9. The quantity of tomatoes, fresh or chilled, entered under subheading 9906.07.03 shall be limited as specified below:

Entered from March 1 to July 14, inclusive--

Year	Quantity (kg)
1994	165,500,000
1995	170,465,000
1996	175,579,000
1997	180,846,000
1998	186,272,000
1999	191,860,000
2000	197,616,000
2001	203,544,000
2002	209,650,000

Beginning in calendar year 2003 quantitative limitations shall cease to apply on such goods.

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Section (A). (con.)

123. (con.):

10. The quantity of tomatoes, fresh or chilled, entered under subheading 9906.07.08 shall be limited as specified below:

	Quantity (kg)
Entered from November 15, 1994, to February 28, 1995	172,300,000
Entered from November 15, 1995, to February 29, 1996	177,469,000
Entered from November 15, 1996, to February 28, 1997	182,793,000
Entered from November 15, 1997, to February 28, 1998	188,277,000
Entered from November 15, 1998, to February 28, 1999	193,925,000
Entered from November 15, 1999, to February 29, 2000	199,743,000
Entered from November 15, 2000, to February 28, 2001	205,735,000
Entered from November 15, 2001, to February 28, 2002	211,907,000
Entered from November 15, 2002, to February 28, 2003	218,264,000

Beginning March 1, 2003, quantitative limitations shall cease to apply on such goods.

11. The quantity of onions and shallots, fresh or chilled, entered under subheading 9906.07.11 shall be limited as specified below:

Entered from January 1 to April 30, inclusive--

Year	Quantity (kg)
1994	130,700,000
1995	134,621,000
1996	138,660,000
1997	142,819,000
1998	147,104,000
1999	151,517,000
2000	156,063,000
2001	160,745,000
2002	165,567,000

Beginning in calendar year 2003 quantitative limitations shall cease to apply on such goods.

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Section (A). (con.)

123. (con.):

12. The quantity of eggplants, fresh or chilled, entered under subheading 9906.07.35 shall be limited as specified below:

Entered from April 1 to June 30, inclusive--

Year	Quantity (kg)
1994	3,700,000
1995	3,811,000
1996	3,925,000
1997	4,043,000
1998	4,164,000
1999	4,289,000
2000	4,418,000
2001	4,551,000
2002	4,687,000

Beginning in calendar year 2003 quantitative limitations shall cease to apply on such goods.

13. The quantity of chili peppers, fresh or chilled, entered under subheading 9906.07.42 shall be limited as specified below:

	Quantity (kg)
Entered from October 1, 1994, to July 31, 1995	29,900,000
Entered from October 1, 1995, to July 31, 1996	30,797,000
Entered from October 1, 1996, to July 31, 1997	31,721,000
Entered from October 1, 1997, to July 31, 1998	32,673,000
Entered from October 1, 1998, to July 31, 1999	33,653,000
Entered from October 1, 1999, to July 31, 2000	34,662,000
Entered from October 1, 2000, to July 31, 2001	35,702,000
Entered from October 1, 2001, to July 31, 2002	36,773,000
Entered from October 1, 2002, to July 31, 2003	37,876,000

Beginning August 1, 2003, quantitative limitations shall cease to apply on such goods.

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Section (A). (con.)

123. (con.):

14. The quantity of squash, fresh or chilled, entered under subheading 9906.07.47 shall be limited as specified below:

	Quantity (kg)
Entered from October 1, 1994, to June 30, 1995	120,800,000
Entered from October 1, 1995, to June 30, 1996	124,424,000
Entered from October 1, 1996, to June 30, 1997	128,157,000
Entered from October 1, 1997, to June 30, 1998	132,001,000
Entered from October 1, 1998, to June 30, 1999	135,961,000
Entered from October 1, 1999, to June 30, 2000	140,040,000
Entered from October 1, 2000, to June 30, 2001	144,242,000
Entered from October 1, 2001, to June 30, 2002	148,569,000
Entered from October 1, 2002, to June 30, 2003	153,026,000

Beginning July 1, 2003, quantitative limitations shall cease to apply on such goods.

15. The quantity of watermelons, fresh, entered under subheading 9906.08.10 shall be limited as specified below:

Entered from May 1 to September 30, inclusive--

Year	Quantity (kg)
1994	54,400,000
1995	56,032,000
1996	57,713,000
1997	59,444,000
1998	61,228,000
1999	63,065,000
2000	64,956,000
2001	66,905,000
2002	68,912,000

Beginning in calendar year 2003 quantitative limitations shall cease to apply on such goods.

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Section (A). (con.)

123. (con.):

16. The aggregate quantity of peanuts (ground nuts), shelled or not shelled, blanched or otherwise prepared or preserved (except peanut butter), that are qualifying goods entered under subheadings 9906.12.01, 9906.12.04 and 9906.20.03 in any calendar year, shall not exceed the quantity specified below for that year.

Year	Quantity (kg)
1994	3,377,000
1995	3,478,000
1996	3,583,000
1997	3,690,000
1998	3,801,000
1999	3,915,000
2000	4,032,000
2001	4,153,000
2002	4,278,000
2003	4,406,000
2004	4,538,000
2005	4,675,000
2006	4,815,000
2007	4,959,000

Provided, That peanuts in the shell shall be charged against the above quotas on the basis of 75 kilograms for each 100 kilograms of peanuts in the shell.

Beginning in calendar year 2008 quantitative limitations shall cease to apply on such qualifying goods.

17.(a) The aggregate quantity of sugars, syrups and molasses, entered under subheadings 9906.17.01, 9906.17.16, 9906.18.11 and 9906.21.29, that are qualifying goods, is the quantity determined by the Secretary of Agriculture in accordance with paragraphs 13 through 15 of Section A, Annex 703.2, Chapter Seven of the North American Free Trade Agreement. The Secretary of Agriculture shall inform the Secretary of the Treasury of any determination made under such provisions and shall publish a notice of such determination in the Federal Register.

Beginning October 1, 2008, quantitative limitations shall cease to apply on such qualifying goods.

(b) Notwithstanding the quota provided for in 17(a) of this note, effective on or after October 1, 1994, raw sugar that is a qualifying good and that is entered for refining in the territory of the United States and re-exported to the territory of Mexico, and refined sugar that is a qualifying good and that is entered after refining in Mexico from raw sugar produced in, and exported from, the territory of the United States, in accordance with paragraph 22 of Section A, Annex 703.2, Chapter Seven of the North American Free Trade Agreement shall not be subject to duty. Such sugar shall be entered only under such terms, conditions, bonds or other requirements as the Secretary of Agriculture may determine are necessary to ensure compliance with the provisions of the aforementioned paragraph 22.

18. The aggregate quantity of articles containing over 65 percent by dry weight of sugars derived from sugar cane or sugar beets, whether or not mixed with other ingredients, capable of being further processed or mixed with similar or other ingredients, and not prepared for marketing to the retail consumers in the identical form and package in which imported, that are qualifying goods entered under subheadings 9906.17.03, 9906.17.18, 9906.17.32, 9906.18.04, 9906.18.17, 9906.18.41, 9906.19.08, 9906.19.31, 9906.21.01, 9906.21.11 and 9906.21.44 in any calendar year, shall not exceed the quantity specified below for that year.

Year	Quantity (kg)
1994	1,500,000
1995	1,545,000
1996	1,591,000
1997	1,639,000
1998	1,688,000
1999	1,739,000
2000	1,791,000
2001	1,845,000
2002	1,900,000

Beginning in calendar year 2003 quantitative limitations shall cease to apply on such qualifying goods.

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19. The aggregate quantity of blended syrups, containing sugars derived from sugar cane or sugar beets, capable of being further processed or mixed with similar or other ingredients and not prepared for marketing to the retail consumers in the identical form and package in which imported, that are qualifying goods entered under subheadings 9906.17.07, 9906.17.12, 9906.17.21, 9906.18.27, 9906.18.44, 9906.21.04 and 9906.21.47 in any calendar year, shall not exceed the quantity specified below for that year.

Year	Quantity (kg)
1994	1,500,000
1995	1,545,000
1996	1,591,000
1997	1,639,000
1998	1,688,000
1999	1,739,000
2000	1,791,000
2001	1,845,000
2002	1,900,000

Beginning in calendar year 2003 quantitative limitations shall cease to apply on such qualifying goods.

20. The aggregate quantity of articles containing over 10 percent by dry weight of sugars derived from sugar cane or sugar beets, whether or not mixed with other ingredients, except (a) articles not principally of crystalline structure or not in dry amorphous form that are prepared for marketing to the retail consumer in the identical form and package in which imported, (b) blended syrups, containing sugars derived from sugar cane or sugar beets, capable of being further processed or mixed with similar or other ingredients and not prepared for marketing to the retail consumers in the identical form and package in which imported, (c) articles containing over 65 percent by dry weight of sugars derived from sugar cane or sugar beets, whether or not mixed with other ingredients, capable of being further processed or mixed with similar or other ingredients, and not prepared for marketing to the retail consumers in the identical form and package in which imported, or (d) cake decorations and similar products to be used in the same condition as imported without any further processing other than the direct application to individual pastries or confections; finely ground or masticated coconut meat or juice thereof mixed with those sugars; and sauces and preparations therefor, that are qualifying goods entered under subheadings 9906.17.35, 9906.18.01, 9906.18.07, 9906.18.20, 9906.18.30, 9906.18.47, 9906.19.11, 9906.19.34, 9906.21.07, 9906.21.14 and 9906.21.50 in any calendar year, shall not exceed the quantity specified below for that year.

Year	Quantity (kg)
1994	12,791,000
1995	13,175,000
1996	13,570,000
1997	13,977,000
1998	14,396,000
1999	14,828,000
2000	15,273,000
2001	15,731,000
2002	16,203,000

Beginning in calendar year 2003 quantitative limitations shall cease to apply on such qualifying goods.

21. The quantity of orange juice entered under subheadings 9906.20.06 and 9906.21.35 shall not exceed 151,416,000 liters (single strength equivalent) in any calendar year.

In determining the number of liters of single strength orange juice which can be obtained from a concentrate, the degree of concentration shall be calculated on a volume basis to the nearest 0.5 degree, as determined by the ratio of the Brix value of the imported concentrated orange juice to that of the single strength orange juice, corrected for differences of specific gravity of the juice. Any orange juice having a degree of concentration of less than 1.5 (as determined before correction to the nearest 0.5 degree) shall be regarded as single strength orange juice.

Beginning in calendar year 2008 quantitative limitations shall cease to apply on such goods.

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22. The quantity of orange juice entered under subheadings 9906.20.08 and 9906.22.04 shall not exceed 15,379,500 liters (single strength equivalent) in any calendar year.

In determining the number of liters of single strength orange juice which can be obtained from a concentrate, the degree of concentration shall be calculated on a volume basis to the nearest 0.5 degree, as determined by the ratio of the Brix value of the imported concentrated orange juice to that of the single strength orange juice, corrected for differences of specific gravity of the juice. Any orange juice having a degree of concentration of less than 1.5 (as determined before correction to the nearest 0.5 degree) shall be regarded as single strength orange juice.

Beginning in calendar year 2008 quantitative limitations shall cease to apply on such goods.

23. Price-based snapback for frozen concentrated orange juice.

(a) Trigger price determination--
  (1) In general. The Secretary shall determine--
    (A) each period of 5 consecutive business days in which the daily price for frozen concentrated orange juice is less than the trigger price; and
    (B) for each period determined under subdivision (a) of this note, the first period occurring thereafter of 5 consecutive business days in which the daily price for frozen concentrated orange juice is greater than the trigger price.
  (2) Notice of determination.-- The Secretary shall immediately notify the Commissioner of Customs and publish notice in the Federal Register of any determination under subdivision (a)(1) of this note, and the date of such publication shall be the determination date for that determination.

(b) Imports of Mexican articles. Whenever after any determination date for a determination under subdivision (a)(1)(A) of this note, the quantity of Mexican articles of frozen concentrated orange juice that is entered exceeds--
  (1) 264,978,000 liters (single strength equivalent) in any of calendar years 1994 through 2002; or
  (2) 340,560,000 liters (single strength equivalent) in any of calendar years 2003 through 2007;
  the rate of duty on Mexican articles of frozen concentrated orange juice that are entered after the date on which the applicable limitation in subdivision (b)(1) or (b)(2) of this note is reached and before the determination date for the related determination under subdivision (a)(1)(B) of this note shall be the rate of duty specified in subdivision (c) of this note.

(c) Rate of duty.-- The rate of duty specified for purposes of subdivision (b) of this note for articles entered on any day is the rate in the tariff schedule that is the lower of--
  (1) the Rate of Duty 1 General column rate of duty in effect for such articles on July 1, 1991; or
  (2) the Rate of Duty 1 General column rate of duty in effect on that day.

(d) Definitions. For the purposes of this note--
  (1) The term "daily price" means the daily closing price of the New York Cotton Exchange, or any successor as determined by the Secretary, for the closest month in which contracts for frozen concentrated orange juice are being traded on the Exchange.
  (2) The term "business day" means a day in which contracts for frozen concentrated orange juice are being traded on the New York Cotton exchange, or any successor as determined by the Secretary.
  (3) The term "entered" means entered or withdrawn from warehouse for consumption, in the customs territory of the United States.
  (4) The term "frozen concentrated orange juice" means all products classifiable under subheading 2009.11.00 of the tariff schedule.
  (5) The term "Secretary" means the Secretary of Agriculture.
  (6) The term "trigger price" means the average daily closing price of the New York Cotton Exchange, or any successor as determined by the Secretary, for the corresponding month during the previous 5-year period, excluding the year with the highest average price for the corresponding month and the year with the lowest average price for the corresponding month.

24. Subheading 9906.52.01 covers only the following goods:
  (a) Cotton, not carded or combed, harsh or rough, having a staple length under 19.05 mm (3/4 inch) (provided for in subheading 5201.00.10);
  (b) Cotton, not carded or combed, harsh or rough, of perished staple, grabbots and cotton pickings, having a staple length of 29.36875 mm (1-5/32 inches) or more but under 34.925 mm (1-3/8 inches) and white in color (provided for in subheading 5201.00.20);
  (c) Cotton waste, other than lap waste, sliver waste and roving waste (provided for in subheading 5202.99.00); and
  (d) Cotton roving (provided for in heading 5203).

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25. The aggregate quantity of goods entered under subheadings 9906.52.02 and 9906.52.05 in any calendar year shall not exceed the quantity specified below for that year.

Year	Quantity (kg)
1994	10,000,000
1995	10,300,000
1996	10,609,000
1997	10,927,000
1998	11,255,000
1999	11,593,000
2000	11,941,000
2001	12,299,000
2002	12,668,000

Beginning calendar year 2003 quantitative limitations shall cease to apply on such qualifying goods.

26. For the purposes of subheading 9906.55.02, the term "blue denim" means fabrics weighing more than 170 grams per square meter, of 3-thread or 4-thread twill, including broken twill, warp faced, of yarns of different colors, the warp yarns of which are dyed blue and the weft yarns of which are unbleached, bleached, dyed grey or colored a lighter shade of blue than that of the warp yarns.

	Goods of Mexico, under the terms of general note 12 to the tariff schedule:	
	Milk and cream, not concentrated nor containing added sugar or other sweetening matter:	
	Provided for in subheading 0401.30.10 or 0401.30.30:	
9906.04.01	Subject to the quantitative limits specified in U.S. note 4 to this subchapter..............................	Free (MX)
	Other:	
9906.04.02	Valued not over 65.7¢/liter.......	[See Annex III(B) to this Proclamation] (MX)
9906.04.03	Other.............................	[See Annex III(B) to this Proclamation] (MX)
	Provided for in subheading 0401.30.40:	
9906.04.04	Subject to the quantitative limits specified in U.S. note 5 to this subchapter..............................	Free (MX)
	Other:	
9906.04.05	Valued not over $1.30/kg..........	[See Annex III(B) to this Proclamation] (MX)
9906.04.06	Other.............................	[See Annex III(B) to this Proclamation] (MX)

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Section (A). (con.)

123. (con.):

	Goods of Mexico, under the terms of general note 12 to the tariff schedule (con.):	
	Milk and cream, concentrated or containing added sugar or other sweetening matter:	
	Provided for in subheading 0402.10.00:	
	Goods of the type described in U.S. note 6 to this subchapter:	
9906.04.07	Subject to the quantitative limits specified in U.S. note 6 to this subchapter................	Free (MX)
	Other:	
9906.04.08	Valued not over $1.26/kg.....	[See Annex III(B) to this Proclamation] (MX)
9906.04.09	Other........................	[See Annex III(B) to this Proclamation] (MX)
	Goods of the type described in U.S. note 7 to this subchapter:	
9906.04.10	Subject to the quantitative limits specified in U.S. note 7 to this subchapter................	Free (MX)
	Other:	
9906.04.11	Valued not over $1.26/kg.....	[See Annex III(B) to this Proclamation] (MX)
9906.04.12	Other........................	[See Annex III(B) to this Proclamation] (MX)
9906.04.13	Other..................................	Free (MX)
	Provided for in subheading 0402.21.20:	
9906.04.14	Subject to the quantitative limits specified in U.S. note 6 to this subchapter.............................	Free (MX)
	Other:	
9906.04.15	Valued not over $1.26/kg..........	[See Annex III(B) to this Proclamation] (MX)
9906.04.16	Other.............................	[See Annex III(B) to this Proclamation] (MX)
	Provided for in subheading 0402.21.40:	
9906.04.17	Subject to the quantitative limits specified in U.S. note 6 to this subchapter.............................	Free (MX)
	Other:	
9906.04.18	Valued not over $1.27/kg..........	[See Annex III(B) to this Proclamation] (MX)
9906.04.19	Other.............................	[See Annex III(B) to this Proclamation] (MX)

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Section (A). (con.)

123. (con.):

	Goods of Mexico, under the terms of general note 12 to the tariff schedule (con.):	
	Milk and cream, concentrated or containing added sugar or other sweetening matter (con.):	
	Provided for in subheading 0402.21.60:	
9906.04.20	Subject to the quantitative limits specified in U.S. note 5 to this subchapter............................	Free (MX)
	Other:	
9906.04.21	Valued not over $1.27/kg..........	[See Annex III(B) to this Proclamation] (MX)
9906.04.22	Other............................	[See Annex III(B) to this Proclamation] (MX)
	Provided for in subheading 0402.29.00:	
9906.04.23	Subject to the quantitative limits specified in U.S. note 7 to this subchapter............................	Free (MX)
	Other:	
9906.04.24	Valued not over $1.185/kg.........	[See Annex III(B) to this Proclamation] (MX)
9906.04.25	Other............................	[See Annex III(B) to this Proclamation] (MX)
	Provided for in subheading 0402.91:	
9906.04.26	Subject to the quantitative limits specified in U.S. note 7 to this subchapter............................	Free (MX)
	Other:	
9906.04.27	Valued not over 35.7¢/kg..........	[See Annex III(B) to this Proclamation] (MX)
9906.04.28	Other............................	[See Annex III(B) to this Proclamation] (MX)
	Provided for in subheading 0402.99:	
9906.04.29	Subject to the quantitative limits specified in U.S. note 7 to this subchapter............................	Free (MX)
	Other:	
9906.04.30	Valued not over 51.5¢/kg..........	[See Annex III(B) to this Proclamation] (MX)
9906.04.31	Other............................	[See Annex III(B) to this Proclamation] (MX)

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Section (A). (con.)

123. (con.):

	Goods of Mexico, under the terms of general note 12 to the tariff schedule (con.):	
	Buttermilk, curdled milk and cream, yogurt, kephir and other fermented or acidified milk and cream, whether or not concentrated or containing added sugar or other sweetening matter or flavored or containing added fruit, nuts or cocoa:	
	Provided for in subheading 0403.10.00:	
	In dry form:	
9906.04.32	Subject to the quantitative limits specified in U.S. note 7 to this subchapter...............	Free (MX)
	Other:	
9906.04.33	Valued not over $1.27/kg.....	[See Annex III(B) to this Proclamation] (MX)
9906.04.34	Other........................	[See Annex III(B) to this Proclamation] (MX)
9906.04.35	Other..................................	Free (MX)
	Provided for in subheading 0403.90.10 or 0403.90.15:	
9906.04.36	Subject to the quantitative limits specified in U.S. note 4 to this subchapter............................	Free (MX)
	Other:	
9906.04.37	Valued not over 65.7¢/liter.......	[See Annex III(B) to this Proclamation] (MX)
9906.04.38	Other............................	[See Annex III(B) to this Proclamation] (MX)
	Provided for in subheading 0403.90.40:	
9906.04.39	Subject to the quantitative limits specified in U.S. note 6 to this subchapter............................	Free (MX)
	Other:	
9906.04.40	Valued not over $1.22/kg..........	[See Annex III(B) to this Proclamation] (MX)
9906.04.41	Other............................	[See Annex III(B) to this Proclamation] (MX)
	Provided for in subheading 0403.90.50:	
9906.04.42	Subject to the quantitative limits specified in U.S. note 6 to this subchapter............................	Free (MX)
	Other:	
9906.04.43	Valued not over $1.27/kg..........	[See Annex III(B) to this Proclamation] (MX)
9906.04.44	Other............................	[See Annex III(B) to this Proclamation] (MX)

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Section (A). (con.)

123. (con.):

	Goods of Mexico, under the terms of general note 12 to the tariff schedule (con.):	
	Buttermilk, curdled milk and cream, yogurt, kephir and other fermented or acidified milk and cream, whether or not concentrated or containing added sugar or other sweetening matter or flavored or containing added fruit, nuts or cocoa (con.):	
	Provided for in subheading 0403.90.60:	
9906.04.45	Subject to the quantitative limits specified in U.S. note 5 to this subchapter	Free (MX)
	Other:	
9906.04.46	Valued not over $1.27/kg	[See Annex III(B) to this Proclamation] (MX)
9906.04.47	Other	[See Annex III(B) to this Proclamation] (MX)
	Provided for in subheading 0403.90.70 or 0403.90.75:	
9906.04.48	Subject to the quantitative limits specified in U.S. note 5 to this subchapter	Free (MX)
	Other:	
9906.04.49	Valued not over $1.30/kg	[See Annex III(B) to this Proclamation] (MX)
9906.04.50	Other	[See Annex III(B) to this Proclamation] (MX)
	Provided for in subheading 0403.90.80:	
	Goods of the type described in U.S. note 7 to this subchapter:	
9906.04.51	Subject to the quantitative limits specified in U.S. note 7 to this subchapter	Free (MX)
	Other:	
9906.04.52	Valued not over $1.27/kg	[See Annex III(B) to this Proclamation] (MX)
9906.04.53	Other	[See Annex III(B) to this Proclamation] (MX)
9906.04.54	Other	Free (MX)

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Section (A). (con.)

123. (con.):

	Goods of Mexico, under the terms of general note 12 to the tariff schedule (con.):	
	Whey, whether or not concentrated or containing added sugar or other sweetening matter; products consisting of natural milk constituents, whether or not containing added sugar or other sweetening matter, not elsewhere specified or included:	
	Provided for in subheading 0404.10.07 or 0404.10.09:	
	Goods of the type described in U.S. note 7 to this subchapter:	
9906.04.55	Subject to the quantitative limits specified in U.S. note 7 to this subchapter................	Free (MX)
	Other:	
9906.04.56	Valued not over $1.28/kg.....	[See Annex III(B) to this Proclamation] (MX)
9906.04.57	Other........................	[See Annex III(B) to this Proclamation] (MX)
	Other:	
9906.04.58	Provided for in subheading 0404.10.07........................	[See Annex III(B) to this Proclamation] (MX)
9906.04.59	Provided for in subheading 0404.10.09........................	Free (MX)
	Provided for in subheading 0404.10.40:	
	Goods of the type described in U.S. note 6 to this subchapter:	
9906.04.60	Subject to the quantitative limits specified in U.S. note 6 to this subchapter................	Free (MX)
	Other:	
9906.04.61	Valued not over $1.22/kg.....	[See Annex III(B) to this Proclamation] (MX)
9906.04.62	Other........................	[See Annex III(B) to this Proclamation] (MX)
	Goods of the type described in U.S. note 7 to this subchapter:	
9906.04.63	Subject to the quantitative limits specified in U.S. note 7 to this subchapter................	Free (MX)
	Other:	
9906.04.64	Valued not over $1.22/kg.....	[See Annex III(B) to this Proclamation] (MX)
9906.04.65	Other........................	[See Annex III(B) to this Proclamation] (MX)
9906.04.66	Other..................................	Free (MX)

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Section (A). (con.)

123. (con.):

	Goods of Mexico, under the terms of general note 12 to the tariff schedule (con.):	
	Whey, whether or not concentrated or containing added sugar or other sweetening matter; products consisting of natural milk constituents, whether or not containing added sugar or other sweetening matter, not elsewhere specified or included (con.):	
	Provided for in subheading 0404.90.20:	
9906.04.67	Subject to the quantitative limits specified in U.S. note 7 to this subchapter............................	Free (MX)
	Other:	
9906.04.68	Valued not over $1.28/kg..........	[See Annex III(B) to this Proclamation] (MX)
9906.04.69	Other............................	[See Annex III(B) to this Proclamation] (MX)
	Provided for in subheading 0404.90.45 or 0404.90.65:	
	Goods of the type described in U.S. note 7 to this subchapter:	
9906.04.70	Subject to the quantitative limits specified in U.S. note 7 to this subchapter................	Free (MX)
	Other:	
9906.04.71	Valued not over $1.28/kg.....	[See Annex III(B) to this Proclamation] (MX)
9906.04.72	Other........................	[See Annex III(B) to this Proclamation] (MX)
	Other:	
9906.04.73	Provided for in subheading 0404.90.45........................	[See Annex III(B) to this Proclamation] (MX)
9906.04.74	Provided for in subheading 0404.90.65........................	Free (MX)
	Butter and other fats and oils derived from milk:	
	Provided for in subheading 0405.00.70 or 0405.00.75:	
9906.04.75	Subject to the quantitative limits specified in U.S. note 5 to this subchapter............................	Free (MX)
	Other:	
9906.04.76	Valued not over $1.30/kg..........	[See Annex III(B) to this Proclamation] (MX)
9906.04.77	Other............................	[See Annex III(B) to this Proclamation] (MX)

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Section (A). (con.)

123. (con.):

	Goods of Mexico, under the terms of general note 12 to the tariff schedule (con.):	
	Butter and other fats and oils derived from milk (con.):	
	Provided for in subheading 0405.00.80:	
9906.04.78	Subject to the quantitative limits specified in U.S. note 5 to this subchapter............................	Free (MX)
	Other:	
9906.04.79	Valued not over $1.57/kg..........	[See Annex III(B) to this Proclamation] (MX)
9906.04.80	Other............................	[See Annex III(B) to this Proclamation] (MX)
	Cheese and curd:	
	Provided for in subheading 0406.10.10:	
9906.04.81	Subject to the quantitative limits specified in U.S. note 8 to this subchapter............................	Free (MX)
9906.04.82	Other..................................	Free (MX)
	Provided for in subheading 0406.10.50:	
	Blue-mold cheese and cheese and substitutes for cheese containing, or processed from, blue-mold cheese:	
9906.04.83	Subject to the quantitative limits specified in U.S. note 8 to this subchapter...............	Free (MX)
	Other:	
9906.04.84	Valued not over $2.32/kg.....	[See Annex III(B) to this Proclamation] (MX)
9906.04.85	Other.......................	[See Annex III(B) to this Proclamation] (MX)
	Cheddar cheese, and cheese and substitutes for cheese containing, or processed from, Cheddar cheese; American-type cheese, including Colby, washed curd and granular cheese (but not including Cheddar cheese) and cheese and substitutes for cheese containing, or processed from, such American-type cheese:	
9906.04.86	Subject to the quantitative limits specified in U.S. note 8 to this subchapter...............	Free (MX)
	Other:	
9906.04.87	Valued not over $1.76/kg.....	[See Annex III(B) to this Proclamation] (MX)
9906.04.88	Other.......................	[See Annex III(B) to this Proclamation] (MX)

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Section (A). (con.)

123. (con.):

	Goods of Mexico, under the terms of general note 12 to the tariff schedule (con.):	
	Cheese and curd (con.):	
	Provided for in subheading 0406.10.50 (con.):	
	Edam and Gouda cheeses:	
9906.04.89	Subject to the quantitative limits specified in U.S. note 8 to this subchapter................	Free (MX)
	Other:	
9906.04.90	Valued not over $2.87/kg.....	[See Annex III(B) to this Proclamation] (MX)
9906.04.91	Other........................	[See Annex III(B) to this Proclamation] (MX)
	Cheese and substitutes for cheese containing, or processed from, Edam and Gouda cheese:	
9906.04.92	Subject to the quantitative limits specified in U.S. note 8 to this subchapter................	Free (MX)
	Other:	
9906.04.93	Valued not over $1.97/kg.....	[See Annex III(B) to this Proclamation] (MX)
9906.04.94	Other........................	[See Annex III(B) to this Proclamation] (MX)
	Italian-type cheeses, made from cow's milk, in original loaves (Romano made from cow's milk, Reggiano, Parmesan, Provolone, Provoletti and Sbrinz):	
9906.04.95	Subject to the quantitative limits specified in U.S. note 8 to this subchapter................	Free (MX)
	Other:	
9906.04.96	Valued not over $3.13/kg.....	[See Annex III(B) to this Proclamation] (MX)
9906.04.97	Other........................	[See Annex III(B) to this Proclamation] (MX)

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Section (A). (con.)

123. (con.):

	Goods of Mexico, under the terms of general note 12 to the tariff schedule (con.):	
	Cheese and curd (con.):	
	Provided for in subheading 0406.10.50 (con.):	
	Italian-type cheeses, made from cow's milk, not in original loaves (Romano made from cow's milk, Reggiano, Parmesan, Provolone, Provoletti, Sbrinz and Goya) and cheese and substitutes for cheese containing, or processed from, such Italian-type cheeses, whether or not in original loaves:	
9906.04.98	Subject to the quantitative limits specified in U.S. note 8 to this subchapter................	Free (MX)
	Other:	
9906.04.99	Valued not over $2.30/kg.....	[See Annex III(B) to this Proclamation] (MX)
9906.05.00	Other........................	[See Annex III(B) to this Proclamation] (MX)
	Swiss or Emmentaler cheese other than with eye formation, Gruyere-process cheese and cheese and substitutes for cheese containing, or processed from, such cheeses:	
9906.05.01	Subject to the quantitative limits specified in U.S. note 8 to this subchapter................	Free (MX)
	Other:	
9906.05.02	Valued not over $2.04/kg.....	[See Annex III(B) to this Proclamation] (MX)
9906.05.03	Other........................	[See Annex III(B) to this Proclamation] (MX)
	Other:	
	Cheese, and substitutes for cheese, containing 0.5 percent or less by weight of butterfat:	
9906.05.04	Subject to the quantitative limits specified in U.S. note 8 to this subchapter....	Free (MX)
	Other:	
9906.05.05	Valued not over $1.72/kg................	[See Annex III(B) to this Proclamation] (MX)
9906.05.06	Other....................	[See Annex III(B) to this Proclamation] (MX)

Annex II (con.)
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Section (A). (con.)

123. (con.):

	Goods of Mexico, under the terms of general note 12 to the tariff schedule (con.):	
	Cheese and curd (con.):	
	Provided for in subheading 0406.10.50 (con.):	
	Other (con.):	
	Other:	
	Cheeses and substitutes for cheese (except cheese not containing cow's milk, and soft ripened cow's milk cheese):	
9906.05.07	Subject to the quantitative limits specified in U.S. note 8 to this subchapter..............	Free (MX)
	Other:	
9906.05.08	Valued not over $2.30/kg...........	[See Annex III(B) to this Proclamation] (MX)
9906.05.09	Other..............	[See Annex III(B) to this Proclamation] (MX)
9906.05.10	Other........................	Free (MX)
	Provided for in subheading 0406.20.20:	
9906.05.11	Subject to the quantitative limits specified in U.S. note 8 to this subchapter............................	Free (MX)
	Other:	
9906.05.12	Valued not over $2.32/kg..........	[See Annex III(B) to this Proclamation] (MX)
9906.05.13	Other............................	[See Annex III(B) to this Proclamation] (MX)
	Provided for in subheading 0406.20.30 or 0406.20.35:	
9906.05.14	Subject to the quantitative limits specified in U.S. note 8 to this subchapter............................	Free (MX)
	Other:	
9906.05.15	Valued not over $1.76/kg..........	[See Annex III(B) to this Proclamation] (MX)
9906.05.16	Other............................	[See Annex III(B) to this Proclamation] (MX)

Annex II (con.)
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Section (A). (con.)

123. (con.):

	Goods of Mexico, under the terms of general note 12 to the tariff schedule (con.):	
	Cheese and curd (con.):	
	Provided for in 0406.20.40:	
	Process cheese:	
9906.05.17	Subject to the quantitative limits specified in U.S. note 8 to this subchapter................	Free (MX)
	Other:	
9906.05.18	Valued not over $1.97/kg.....	[See Annex III(B) to this Proclamation] (MX)
9906.05.19	Other........................	[See Annex III(B) to this Proclamation] (MX)
	Other:	
9906.05.20	Subject to the quantitative limits specified in U.S. note 8 to this subchapter................	Free (MX)
	Other:	
9906.05.21	Valued not over $2.87/kg.....	[See Annex III(B) to this Proclamation] (MX)
9906.05.22	Other........................	[See Annex III(B) to this Proclamation] (MX)
	Provided for in subheading 0406.20.50:	
	Made from cow' milk:	
9906.05.23	Subject to the quantitative limits specified in U.S. note 8 to this subchapter................	Free (MX)
	Other:	
9906.05.24	Valued not over $2.30/kg.....	[See Annex III(B) to this Proclamation] (MX)
9906.05.25	Other........................	[See Annex III(B) to this Proclamation] (MX)
9906.05.26	Other................................	[See Annex III(B) to this Proclamation] (MX)
	Provided for in subheading 0406.20.60:	
9906.05.27	Containing, or processed from, Byrndza, Gjetost, Gammelost, Nokkelost or Roquefort cheeses.........	[See Annex III(B) to this Proclamation] (MX)

Annex II (con.)
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Section (A). (con.)

123. (con.):

	Goods of Mexico, under the terms of general note 12 to the tariff schedule (con.):	
	Cheese and curd (con.):	
	Provided for in subheading 0406.20.60 (con.):	
	Containing, or processed from, blue-veined cheese (except Roquefort):	
9906.05.28	Subject to the quantitative limits specified in U.S. note 8 to this subchapter................	Free (MX)
	Other:	
9906.05.29	Valued not over $2.32/kg.....	[See Annex III(B) to this Proclamation] (MX)
9906.05.30	Other........................	[See Annex III(B) to this Proclamation] (MX)
	Containing, or processed from, Cheddar cheese; containing, or processed from, American-type cheese (including Colby, washed curd and granular cheese but not including Cheddar):	
9906.05.31	Subject to the quantitative limits specified in U.S. note 8 to this subchapter................	Free (MX)
	Other:	
9906.05.32	Valued not over $1.76/kg.....	[See Annex III(B) to this Proclamation] (MX)
9906.05.33	Other........................	[See Annex III(B) to this Proclamation] (MX)
	Containing, or processed from, Edam or Gouda cheese:	
9906.05.34	Subject to the quantitative limits specified in U.S. note 8 to this subchapter................	Free (MX)
	Other:	
9906.05.35	Valued not over $1.97/kg.....	[See Annex III(B) to this Proclamation] (MX)
9906.05.36	Other........................	[See Annex III(B) to this Proclamation] (MX)

Section (A). (con.)

123. (con.):

	Goods of Mexico, under the terms of general note 12 to the tariff schedule (con.):	
	Cheese and curd (con.):	
	Provided for in subheading 0406.20.60 (con.):	
	Containing, or processed from, Italian-type cheeses (Romano, Reggiano, Parmesan, Provolone, Provoletti, Sbrinz and Goya) made from cow's milk:	
9906.05.37	Subject to the quantitative limits specified in U.S. note 8 to this subchapter................	Free (MX)
	Other:	
9906.05.38	Valued not over $2.30/kg.....	[See Annex III(B) to this Proclamation] (MX)
9906.05.39	Other........................	[See Annex III(B) to this Proclamation] (MX)
	Containing, or processed from, Swiss, Emmentaler, or Gruyere-process cheeses:	
9906.05.40	Subject to the quantitative limits specified in U.S. note 8 to this subchapter................	Free (MX)
	Other:	
9906.05.41	Valued not over $2.04/kg.....	[See Annex III(B) to this Proclamation] (MX)
9906.05.42	Other........................	[See Annex III(B) to this Proclamation] (MX)
	Other:	
	Containing 0.5 percent or less by weight of butterfat:	
9906.05.43	Subject to the quantitative limits specified in U.S. note 8 to this subchapter....	Free (MX)
	Other:	
9906.05.44	Valued not over $1.72/kg................	[See Annex III(B) to this Proclamation] (MX)
9906.05.45	Other...................	[See Annex III(B) to this Proclamation] (MX)

Annex II (con.)
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Section (A). (con.)

123. (con.):

	Goods of Mexico, under the terms of general note 12 to the tariff schedule (con.):	
	Cheese and curd (con.):	
	Provided for in subheading 0406.20.60 (con.):	
	Other (con.):	
	Other:	
	Containing cow's milk:	
9906.05.46	Subject to the quantitative limits specified in U.S. note 8 to this subchapter..............	Free (MX)
	Other:	
9906.05.47	Valued not over $2.30/kg...........	[See Annex III(B) to this Proclamation] (MX)
9906.05.48	Other..............	[See Annex III(B) to this Proclamation] (MX)
9906.05.49	Other........................	[See Annex III(B) to this Proclamation] (MX)
	Provided for in subheading 0406.30.10:	
9906.05.50	Subject to the quantitative limits specified in U.S. note 8 to this subchapter.............................	Free (MX)
	Other:	
9906.05.51	Valued not over $2.32/kg..........	[See Annex III(B) to this Proclamation] (MX)
9906.05.52	Other.............................	[See Annex III(B) to this Proclamation] (MX)
	Provided for in subheading 0406.30.20 or 0406.30.30:	
9906.05.53	Subject to the quantitative limits specified in U.S. note 8 to this subchapter.............................	Free (MX)
	Other:	
9906.05.54	Valued not over $1.76/kg..........	[See Annex III(B) to this Proclamation] (MX)
9906.05.55	Other.............................	[See Annex III(B) to this Proclamation] (MX)

Annex II (con.)
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Section (A). (con.)

123. (con.):

	Goods of Mexico, under the terms of general note 12 to the tariff schedule (con.):	
	Cheese and curd (con.):	
	Provided for in subheading 0406.30.40:	
9906.05.56	Subject to the quantitative limits specified in U.S. note 8 to this subchapter.............................	Free (MX)
	Other:	
9906.05.57	Valued not over $1.97/kg..........	[See Annex III(B) to this Proclamation] (MX)
9906.05.58	Other.............................	[See Annex III(B) to this Proclamation] (MX)
	Provided for in subheading 0406.30.50:	
9906.05.59	Subject to the quantitative limits specified in U.S. note 8 to this subchapter.............................	Free (MX)
	Other:	
9906.05.60	Valued not over $2.04/kg..........	[See Annex III(B) to this Proclamation] (MX)
9906.05.61	Other.............................	[See Annex III(B) to this Proclamation] (MX)
	Provided for in subheading 0406.30.60:	
9906.05.62	Containing, or processed from, Byrndza, Gjetost, Gammelost, Nokkelost or Roquefort cheeses.........	[See Annex III(B) to this Proclamation] (MX)
	Containing, or processed from, blue-veined cheese (except Roquefort):	
9906.05.63	Subject to the quantitative limits specified in U.S. note 8 to this subchapter................	Free (MX)
	Other:	
9906.05.64	Valued not over $2.32/kg.....	[See Annex III(B) to this Proclamation] (MX)
9906.05.65	Other........................	[See Annex III(B) to this Proclamation] (MX)

Annex II (con.)
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Section (A). (con.)

123. (con.):

	Goods of Mexico, under the terms of general note 12 to the tariff schedule (con.):	
	Cheese and curd (con.):	
	Provided for in subheading 0406.30.60 (con.):	
	Containing, or processed from, Cheddar cheese; containing, or processed from, American-type cheese (including Colby, washed curd and granular cheese but not including Cheddar):	
9906.05.66	Subject to the quantitative limits specified in U.S. note 8 to this subchapter................	Free (MX)
	Other:	
9906.05.67	Valued not over $1.76/kg.....	[See Annex III(B) to this Proclamation] (MX)
9906.05.68	Other........................	[See Annex III(B) to this Proclamation] (MX)
	Containing, or processed from, Edam or Gouda cheese:	
9906.05.69	Subject to the quantitative limits specified in U.S. note 8 to this subchapter................	Free (MX)
	Other:	
9906.05.70	Valued not over $1.97/kg.....	[See Annex III(B) to this Proclamation] (MX)
9906.05.71	Other........................	[See Annex III(B) to this Proclamation] (MX)
	Containing, or processed from, Italian-type cheeses (Romano, Reggiano, Parmesan, Provolone, Provoletti, Sbrinz and Goya):	
	Made from cow's milk:	
9906.05.72	Subject to the quantitative limits specified in U.S. note 8 to this subchapter....	Free (MX)
	Other:	
9906.05.73	Valued not over $2.30/kg................	[See Annex III(B) to this Proclamation] (MX)
9906.05.74	Other...................	[See Annex III(B) to this Proclamation] (MX)
9906.05.75	Other............................	[See Annex III(B) to this Proclamation] (MX)

Annex II (con.)
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Section (A). (con.)

123. (con.):

	Goods of Mexico, under the terms of general note 12 to the tariff schedule (con.):	
	Cheese and curd (con.):	
	Provided for in subheading 0406.30.60 (con.):	
	Containing, or processed from, Swiss, Emmentaler, or Gruyere-process cheeses:	
9906.05.76	Subject to the quantitative limits specified in U.S. note 8 to this subchapter................	Free (MX)
	Other:	
9906.05.77	Valued not over $2.04/kg.....	[See Annex III(B) to this Proclamation] (MX)
9906.05.78	Other.........................	[See Annex III(B) to this Proclamation] (MX)
	Other:	
	Containing 0.5 percent or less by weight of butterfat:	
9906.05.79	Subject to the quantitative limits specified in U.S. note 8 to this subchapter....	Free (MX)
	Other:	
9906.05.80	Valued not over $1.72/kg................	[See Annex III(B) to this Proclamation] (MX)
9906.05.81	Other...................	[See Annex III(B) to this Proclamation] (MX)
	Other:	
	Containing cow's milk:	
9906.05.82	Subject to the quantitative limits specified in U.S. note 8 to this subchapter..............	Free (MX)
	Other:	
9906.05.83	Valued not over $2.30/kg...........	[See Annex III(B) to this Proclamation] (MX)
9906.05.84	Other..............	[See Annex III(B) to this Proclamation] (MX)
9906.05.85	Other........................	[See Annex III(B) to this Proclamation] (MX)

Annex II (con.)
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Section (A). (con.)

123. (con.):

	Goods of Mexico, under the terms of general note 12 to the tariff schedule (con.):	
	Cheese and curd (con.):	
	Provided for in subheading 0406.40.60 or 0406.40.80:	
9906.05.86	Subject to the quantitative limits specified in U.S. note 8 to this subchapter............................	Free (MX)
	Other:	
9906.05.87	Valued not over $2.32/kg..........	[See Annex III(B) to this Proclamation] (MX)
9906.05.88	Other............................	[See Annex III(B) to this Proclamation] (MX)
	Provided for in subheading 0406.90.10:	
9906.05.89	Subject to the quantitative limits specified in U.S. note 8 to this subchapter............................	Free (MX)
	Other:	
9906.05.90	Valued not over $1.76/kg..........	[See Annex III(B) to this Proclamation] (MX)
9906.05.91	Other............................	[See Annex III(B) to this Proclamation] (MX)
	Provided for in subheading 0406.90.15:	
9906.05.92	Subject to the quantitative limits specified in U.S. note 8 to this subchapter............................	Free (MX)
	Other:	
9906.05.93	Valued not over $2.87/kg..........	[See Annex III(B) to this Proclamation] (MX)
9906.05.94	Other............................	[See Annex III(B) to this Proclamation] (MX)
	Provided for in subheading 0406.90.30:	
	Made from cow's milk and not in original loaves:	
9906.05.95	Subject to the quantitative limits specified in U.S. note 8 to this subchapter................	Free (MX)
	Other:	
9906.05.96	Valued not over $2.30/kg.....	[See Annex III(B) to this Proclamation] (MX)
9906.05.97	Other........................	[See Annex III(B) to this Proclamation] (MX)
9906.05.98	Other.................................	[See Annex III(B) to this Proclamation] (MX)

Annex II (con.)
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Section (A). (con.)

123. (con.):

	Goods of Mexico, under the terms of general note 12 to the tariff schedule (con.):	
	Cheese and curd (con.):	
	Provided for in subheading 0406.90.35:	
	Made from cow's milk in original loaves:	
9906.05.99	Subject to the quantitative limits specified in U.S. note 8 to this subchapter................	Free (MX)
	Other:	
9906.06.00	Valued not over $3.13/kg.....	[See Annex III(B) to this Proclamation] (MX)
9906.06.01	Other........................	[See Annex III(B) to this Proclamation] (MX)
	Other:	
9906.06.02	Subject to the quantitative limits specified in U.S. note 8 to this subchapter................	Free (MX)
	Other:	
9906.06.03	Valued not over $2.30/kg.....	[See Annex III(B) to this Proclamation] (MX)
9906.06.04	Other........................	[See Annex III(B) to this Proclamation] (MX)
	Provided for in subheading 0406.90.40:	
	Made from cow's milk:	
	In original loaves:	
9906.06.05	Subject to the quantitative limits specified in U.S. note 8 to this subchapter....	Free (MX)
	Other:	
9906.06.06	Valued not over $3.13/kg................	[See Annex III(B) to this Proclamation] (MX)
9906.06.07	Other...................	[See Annex III(B) to this Proclamation] (MX)
	Other:	
9906.06.08	Subject to the quantitative limits specified in U.S. note 8 to this subchapter....	Free (MX)
	Other:	
9906.06.09	Valued not over $2.30/kg................	[See Annex III(B) to this Proclamation] (MX)
9906.06.10	Other...................	[See Annex III(B) to this Proclamation] (MX)
9906.06.11	Other..................................	[See Annex III(B) to this Proclamation] (MX)

Annex II (con.)
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Section (A). (con.)

123. (con.):

	Goods of Mexico, under the terms of general note 12 to the tariff schedule (con.):	
	Cheese and curd (con.):	
	Provided for in subheading 0406.90.45:	
	Swiss or Emmentaler cheese:	
9906.06.12	Subject to the quantitative limits specified in U.S. note 8 to this subchapter................	Free (MX)
	Other:	
9906.06.13	Valued not over $2.78/kg.....	[See Annex III(B) to this Proclamation] (MX)
9906.06.14	Other........................	[See Annex III(B) to this Proclamation] (MX)
9906.06.15	Gammelost and Nokkelost cheeses........	[See Annex III(B) to this Proclamation] (MX)
	Provided for in subheading 0406.90.65:	
9906.06.16	Subject to the quantitative limits specified in U.S. note 8 to this subchapter............................	Free (MX)
	Other:	
9906.06.17	Valued not over $1.76/kg..........	[See Annex III(B) to this Proclamation] (MX)
9906.06.18	Other............................	[See Annex III(B) to this Proclamation] (MX)
	Provided for in subheading 0406.90.70:	
9906.06.19	Subject to the quantitative limits specified in U.S. note 8 to this subchapter............................	Free (MX)
	Other:	
9906.06.20	Valued not over $2.30/kg..........	[See Annex III(B) to this Proclamation] (MX)
9906.06.21	Other............................	[See Annex III(B) to this Proclamation] (MX)
	Provided for in subheading 0406.90.80:	
	Containing, or processed from, blue-veined cheese:	
9906.06.22	Subject to the quantitative limits specified in U.S. note 8 to this subchapter................	Free (MX)
	Other:	
9906.06.23	Valued not over $2.32/kg.....	[See Annex III(B) to this Proclamation] (MX)
9906.06.24	Other........................	[See Annex III(B) to this Proclamation] (MX)

Annex II (con.)
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Section (A). (con.)

123. (con.):

	Goods of Mexico, under the terms of general note 12 to the tariff schedule (con.):	
	Cheese and curd (con.):	
	Provided for in subheading 0406.90.80 (con.):	
	Containing, or processed from, Cheddar cheese; containing, or processed from, American-type cheese (including Colby, washed curd and granular cheese but not including Cheddar):	
9906.06.25	Subject to the quantitative limits specified in U.S. note 8 to this subchapter................	Free (MX)
	Other:	
9906.06.26	Valued not over $1.76/kg.....	[See Annex III(B) to this Proclamation] (MX)
9906.06.27	Other........................	[See Annex III(B) to this Proclamation] (MX)
	Containing, or processed from, Edam or Gouda cheese:	
9906.06.28	Subject to the quantitative limits specified in U.S. note 8 to this subchapter................	Free (MX)
	Other:	
9906.06.29	Valued not over $1.97/kg.....	[See Annex III(B) to this Proclamation] (MX)
9906.06.30	Other........................	[See Annex III(B) to this Proclamation] (MX)
	Containing, or processed from, Swiss, Emmentaler, or Gruyere-process cheeses:	
9906.06.31	Subject to the quantitative limits specified in U.S. note 8 to this subchapter................	Free (MX)
	Other:	
9906.06.32	Valued not over $2.04/kg.....	[See Annex III(B) to this Proclamation] (MX)
9906.06.33	Other........................	[See Annex III(B) to this Proclamation] (MX)

Annex II (con.)
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Section (A). (con.)

123. (con.):

	Goods of Mexico, under the terms of general note 12 to the tariff schedule (con.):	
	Cheese and curd (con.):	
	Provided for in subheading 0406.90.80 (con.):	
	Other:	
	Containing 0.5 percent or less by weight of butterfat:	
9906.06.34	Subject to the quantitative limits specified in U.S. note 8 to this subchapter....	Free (MX)
	Other:.	
9906.06.35	Valued not over $1.72/kg................	[See Annex III(B) to this Proclamation] (MX)
9906.06.36	Other...................	[See Annex III(B) to this Proclamation] (MX)
	Other:	
	Containing cow's milk (except soft-ripened cow's milk cheese):	
9906.06.37	Subject to the quantitative limits specified in U.S. note 8 to this subchapter..............	Free (MX)
	Other:	
9906.06.38	Valued not over $2.30/kg..........	[See Annex III(B) to this Proclamation] (MX)
9906.06.39	Other.............	[See Annex III(B) to this Proclamation] (MX)
9906.06.40	Other.......................	[See Annex III(B) to this Proclamation] (MX)
	Tomatoes, fresh or chilled:	
	Provided for in subheading 0702.00.20:	
	Cherry tomatoes:	
9906.07.01	If entered during the period from March 1 to April 30, inclusive.........................	Free (MX)
9906.07.02	If entered during the period from May 1 to July 14, inclusive, or the period from September 1 to November 14, inclusive, in any year............	[See Annex III(B) to this Proclamation] (MX)

Annex II (con.)
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Section (A). (con.)

123. (con.):

	Goods of Mexico, under the terms of general note 12 to the tariff schedule (con.):	
	Tomatoes, fresh or chilled (con.):	
	Provided for in subheading 0702.00.20 (con.):	
	Other:	
	If entered during the period from March 1 to July 14, inclusive:	
9906.07.03	Subject to the quantitative limits specified in U.S. note 9 to this subchapter....	[See Annex III(B) to this Proclamation] (MX)
9906.07.04	Other........................	4.6¢/kg (MX)
9906.07.05	If entered during the period from September 1 to November 14, inclusive, in any year...........	[See Annex III(B) to this Proclamation] (MX)
	Provided for in subheading 0702.00.60:	
	Cherry tomatoes:	
9906.07.06	If entered during the period from November 15 to November 30, inclusive, in any year...........	[See Annex III(B) to this Proclamation] (MX)
9906.07.07	If entered during the period from December 1, in any year, to the last day of the following February, inclusive..............	Free (MX)
	Other:	
9906.07.08	Subject to the quantitative limits specified in U.S. note 10 to this subchapter........	[See Annex III(B) to this Proclamation] (MX)
9906.07.09	Other............................	3.3¢/kg (MX)
	Onions, shallots, garlic, leeks and other alliaceous vegetables, fresh or chilled:	
	Provided for in subheading 0703.10.40:	
	If entered during the period from January 1 to April 30, inclusive, in any year:	
9906.07.11	Subject to the quantitative limits specified in U.S. note 11 to this subchapter................	[See Annex III(B) to this Proclamation] (MX)
9906.07.12	Other............................	3.9¢/kg (MX)
9906.07.13	If entered during the period from May 1 to December 31, inclusive, in any year..............................	[See Annex III(B) to this Proclamation] (MX)

Annex II (con.)
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Section (A). (con.)

123. (con.):

	Goods of Mexico, under the terms of general note 12 to the tariff schedule (con.):	
	Cabbages, cauliflower, kohlrabi, kale and similar edible brassicas, fresh or chilled:	
	Provided for in subheading 0704.10.40:	
9906.07.14	If entered during the period from January 1 to June 4, inclusive, in any year..............................	[See Annex III(B) to this Proclamation] (MX)
9906.07.15	If entered during the period from October 16 to November 30, inclusive, in any year............................	[See Annex III(B) to this Proclamation] (MX)
9906.07.16	If entered during the month of December................................	Free (MX)
	Provided for in subheading 0704.20.00:	
9906.07.17	If entered during the period from January 1 to March 31, inclusive, or the period from October 1 to December 31, inclusive, in any year....	[See Annex III(B) to this Proclamation] (MX)
9906.07.18	If entered during the period from April 1 to September 30, inclusive, in any year............................	[See Annex III(B) to this Proclamation] (MX)
	Provided for in subheading 0704.90.40:	
	Sprouting broccoli:	
9906.07.19	If entered during the period from January 1 to May 31, inclusive, in any year............	[See Annex III(B) to this Proclamation] (MX)
9906.07.20	If entered during the period from June 1 to December 31, inclusive, in any year............	[See Annex III(B) to this Proclamation] (MX)
	Other:	
9906.07.21	If entered during the period from January 1 to May 31, inclusive, or the period from November 1 to December 31, inclusive, in any year............	[See Annex III(B) to this Proclamation] (MX)
9906.07.22	If entered during the period from June 1 to October 31, inclusive, in any year............	Free (MX)

Annex II (con.)
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Section (A). (con.)

123. (con.):

	Goods of Mexico, under the terms of general note 12 to the tariff schedule (con.):	
	Lettuce (Lactuca sativa) and chicory (Cichorium spp.), fresh or chilled:	
	Provided for in subheading 0705.11.40:	
9906.07.23	If entered during the period from April 1 to May 31, inclusive, in any year, or during the month of November..............................	[See Annex III(B) to this Proclamation] (MX)
9906.07.24	If entered during the period from January 1 to March 31, inclusive, in any year, or during the month of December..............................	[See Annex III(B) to this Proclamation] (MX)
	Provided for in subheading 0705.19.40:	
9906.07.25	If entered during the period from April 1 to May 31, inclusive, in any year, or during the month of November..............................	[See Annex III(B) to this Proclamation] (MX)
9906.07.26	If entered during the period from January 1 to March 31, inclusive, in any year, or during the month of December..............................	[See Annex III(B) to this Proclamation] (MX)
	Cucumbers, including gherkins, fresh or chilled:	
	Provided for in subheading 0707.00.50:	
9906.07.27	If entered during the month of May, or the period from October 1 to November 30, inclusive, in any year....	[See Annex III(B) to this Proclamation] (MX)
9906.07.28	If entered during the month of June, or during the month of September.......	[See Annex III(B) to this Proclamation] (MX)
	Leguminous vegetables, shelled or unshelled, fresh or chilled:	
	Provided for in subheading 0708.20.90:	
9906.07.29	If entered during the period from January 1 to May 31, inclusive, or the period from November 1 to December 31, inclusive, in any year....	[See Annex III(B) to this Proclamation] (MX)
9906.07.30	If entered during the period from June 1 to October 31, inclusive, in any year..............................	[See Annex III(B) to this Proclamation] (MX)

Annex II (con.)
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Section (A). (con.)

123. (con.):

	Goods of Mexico, under the terms of general note 12 to the tariff schedule (con.):	
	Other vegetables, fresh or chilled:	
	Provided for in subheading 0709.20.90:	
9906.07.31	White asparagus........................	Free (MX)
	Other:	
9906.07.32	If entered during the month of January...........................	[See Annex III(B) to this Proclamation] (MX)
9906.07.33	If entered during the period from February 1 to June 30, inclusive, in any year............	[See Annex III(B) to this Proclamation] (MX)
9906.07.34	If entered during the period from July 1 to December 31, inclusive, in any year............	[See Annex III(B) to this Proclamation] (MX)
	Provided for in subheading 0709.30.20:	
	If entered during the period from April 1 to June 30, inclusive:	
9906.07.35	Subject to the quantitative limits specified in U.S. note 12 to this subchapter................	[See Annex III(B) to this Proclamation] (MX)
9906.07.36	Other.............................	3.3¢/kg (MX)
9906.07.37	If entered during the period from July 1 to September 30, inclusive......	Free (MX)
9906.07.38	If entered during the period from October 1 to November 30, inclusive....	[See Annex III(B) to this Proclamation] (MX)
	Provided for in subheading 0709.40.60:	
9906.07.39	If entered during the period from January 1 to April 14, inclusive, in any year, or during the month of December...............................	[See Annex III(B) to this Proclamation] (MX)
9906.07.40	If entered during the period from August 1 to November 30, inclusive, in any year............................	[See Annex III(B) to this Proclamation] (MX)
	Provided for in subheading 0709.60.00:	
	Chili peppers:	
9906.07.41	If entered during the period from August 1 to September 30, inclusive, in any year............	Free (MX)
	If entered during the period from October 1 in any year to the following July 31, inclusive:	
9906.07.42	Subject to the quantitative limits specified in U.S. note 13 to this subchapter...	[See Annex III(B) to this Proclamation] (MX)
9906.07.43	Other........................	5.5¢/kg (MX)

Annex II (con.)
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Section (A). (con.)

123. (con.):

	Goods of Mexico, under the terms of general note 12 to the tariff schedule (con.):	
	Other vegetables, fresh or chilled (con.):	
	Provided for in subheading 0709.60.00 (con.):	
	Other:	
9906.07.44	If entered during the period from June 1 to October 31, inclusive, in any year............	[See Annex III(B) to this Proclamation] (MX)
9906.07.45	If entered during the period from January 1 to May 31, inclusive, or the period from November 1 to December 31, inclusive, in any year............	[See Annex III(B) to this Proclamation] (MX)
	Provided for in subheading 0709.90.20:	
9906.07.46	If entered during the period from July 1 to September 30, inclusive, in any year............................	[See Annex III(B) to this Proclamation] (MX)
	If entered during the period from October 1 in any year to the following June 30, inclusive:	
9906.07.47	Subject to the quantitative limits specified in U.S. note 14 to this subchapter................	[See Annex III(B) to this Proclamation] (MX)
9906.07.48	Other.............................	2.4¢/kg (MX)
	Provided for in subheading 0709.90.40:	
9906.07.49	Sweet corn.............................	[See Annex III(B) to this Proclamation] (MX)
	Parsley:	
9906.07.50	If entered during the period from June 1 to October 31, inclusive, in any year............	Free (MX)
9906.07.51	If entered during the period from January 1 to May 31, inclusive, or the period from November 1 to December 31, in any year..........................	[See Annex III(B) to this Proclamation] (MX)
9906.07.52	Cactus leaves, cilantro (coriander), corn smut, nopalitos or tomatillos.....	Free (MX)
9906.07.53	Other..................................	[See Annex III(B) to this Proclamation] (MX)
	Vegetables (uncooked or cooked by steaming or boiling in water), frozen:	
	Provided for in subheading 0710.80.97:	
9906.07.54	Asparagus, broccoli or cauliflower.....	[See Annex III(B) to this Proclamation] (MX)
9906.07.55	Other..................................	[See Annex III(B) to this Proclamation] (MX)

Annex II (con.)
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Section (A). (con.)

123. (con.):

	Goods of Mexico, under the terms of general note 12 to the tariff schedule (con.):	
	Vegetables provisionally preserved (for example, by sulfur dioxide gas, in brine, in sulfur water or in other preservative solutions), but unsuitable in that state for immediate consumption:	
	Provided for in subheading 0711.20.25:	
9906.07.56	Green in color, in a saline solution, in containers each holding more than 8 kg, drained weight, certified by the importer to be used for repacking or sale as green olives................	Free (MX)
9906.07.57	Other..................................	[See Annex III(B) to this Proclamation] (MX)
	Dates, figs, pineapples, avocados, guavas, mangoes and mangosteens, fresh or dried:	
	Provided for in subheading 0804.50.60:	
9906.08.01	Guavas.................................	[See Annex III(B) to this Proclamation] (MX)
9906.08.02	Mangoes and mangosteens................	[See Annex III(B) to this Proclamation] (MX)
	Citrus fruit, fresh or dried:	
	Provided for in subheading 0805.10.00:	
9906.08.03	If entered during the period from June 1 to November 30, inclusive, in any year............................	Free (MX)
9906.08.04	If entered at any other time...........	[See Annex III(B) to this Proclamation] (MX)
	Provided for in subheading 0805.20.00:	
9906.08.05	If entered during the period from May 1 to September 30, inclusive, in any year............................	[See Annex III(B) to this Proclamation] (MX)
9906.08.06	If entered at any other time...........	[See Annex III(B) to this Proclamation] (MX)
	Melons (including watermelons) and papayas (papaws), fresh:	
	Provided for in subheading 0807.10.20:	
9906.08.07	If entered during the period from January 1 to May 15, inclusive, in any year, or during the month of December............................	Free (MX)
9906.08.08	If entered during the period from May 16 to July 31, inclusive, or the period from September 16 to November 30, inclusive, in any year....	[See Annex III(B) to this Proclamation] (MX)

Annex II (con.)
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Section (A). (con.)

123. (con.):

	Goods of Mexico, under the terms of general note 12 to the tariff schedule (con.):	
	Melons (including watermelons) and papayas (papaws), fresh (con.):	
	Provided for in subheading 0807.10.40:	
9906.08.09	If entered during the month of April, or the period from October 1 to November 30, inclusive, in any year....	Free (MX)
	If entered during the period from May 1 to September 30, inclusive, in any year:	
9906.08.10	Subject to the quantitative limits specified in U.S. note 15 to this subchapter................	[See Annex III(B) to this Proclamation] (MX)
9906.08.11	Other..............................	20% (MX)
	Provided for in subheading 0807.10.70:	
9906.08.12	If entered during the period from December 1, in any year, to the following April 30, inclusive..........	[See Annex III(B) to this Proclamation] (MX)
9906.08.13	If entered during the month of May.....	[See Annex III(B) to this Proclamation] (MX)
	Peanuts (ground-nuts), not roasted or otherwise cooked, whether or not shelled or broken:	
	Provided for in subheading 1202.10.00:	
9906.12.01	Subject to the quantitative limits specified in U.S. note 16 to this subchapter.............................	Free (MX)
	Other:	
9906.12.02	Valued not over 28.4¢/kg..........	[See Annex III(B) to this Proclamation] (MX)
9906.12.03	Other............................	[See Annex III(B) to this Proclamation] (MX)
	Provided for in subheading 1202.20.00:	
9906.12.04	Subject to the quantitative limits specified in U.S. note 16 to this subchapter.............................	Free (MX)
	Other:	
9906.12.05	Valued not over 65.2¢/kg..........	[See Annex III(B) to this Proclamation] (MX)
9906.12.06	Other.............................	[See Annex III(B) to this Proclamation] (MX)

Annex II (con.)
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Section (A). (con.)

123. (con.):

	Goods of Mexico, under the terms of general note 12 to the tariff schedule (con.):	
	Margarine; edible mixtures or preparations of animal or vegetable fats or oils or of fractions of different fats or oils of this chapter, other than edible fats or oils or their fractions of heading 1516:	
	Provided for in subheading 1517.90.40:	
	Goods of the type described in U.S. note 7 to this subchapter:	
9906.15.01	Subject to the quantitative limits specified in U.S. note 7 to this subchapter...............	Free (MX)
	Other:	
9906.15.02	Valued not over 22¢/kg.......	[See Annex III(B) to this Proclamation] (MX)
9906.15.03	Other........................	[See Annex III(B) to this Proclamation] (MX)
9906.15.04	Other..................................	[See Annex III(B) to this Proclamation] (MX)
	Cane or beet sugar and chemically pure sucrose, in solid form:	
	Provided for in subheading 1701.11.03, 1701.12.02, 1701.91.22 or 1701.99.02:	
9906.17.01	Subject to the quantitative limits specified in U.S. note 17(a) to this subchapter............................	Free (MX)
9906.17.02	Other..................................	[See Annex III(B) to this Proclamation] (MX)
	Provided for in subheading 1701.91.40:	
	Goods of a type described in U.S. note 18 to this subchapter:	
9906.17.03	Subject to the quantitative limits specified in U.S. note 18 to this subchapter................	Free (MX)
	Other:	
9906.17.04	Valued not over 31.5¢/kg.....	[See Annex III(B) to this Proclamation] (MX)
9906.17.05	Other........................	[See Annex III(B) to this Proclamation] (MX)
9906.17.06	Other..................................	Free (MX)

Annex II (con.)
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Section (A). (con.)

123. (con.):

	Goods of Mexico, under the terms of general note 12 to the tariff schedule (con.):	
	Other sugars, including chemically pure lactose, maltose, glucose and fructose, in solid form; sugar syrups not containing added flavoring or coloring matter; artificial honey, whether or not mixed with natural honey; caramel:	
	Provided for in subheading 1702.20.20 or 1702.30.20:	
	Goods of a type described in U.S. note 19 to this subchapter:	
9906.17.07	Subject to the quantitative limits specified in U.S. note 19 to this subchapter................	Free (MX)
	Other:	
9906.17.08	Valued not over 15.8¢/kg.....	[See Annex III(B) to this Proclamation] (MX)
9906.17.09	Other......................	[See Annex III(B) to this Proclamation] (MX)
9906.17.10	Other..................................	Free (MX)
	Provided for in subheading 1702.40.00 or 1702.60.00:	
9906.17.11	Derived solely from starches...........	Free (MX)
	Other:	
	Goods of a type described in U.S. note 19 to this subchapter:	
9906.17.12	Subject to the quantitative limits specified in U.S. note 19 to this subchapter...	Free (MX)
	Other:	
9906.17.13	Valued not over 31.5¢/kg...............	[See Annex III(B) to this Proclamation] (MX)
9906.17.14	Other..................	[See Annex III(B) to this Proclamation] (MX)
9906.17.15	Other..............................	Free (MX)
	Provided for in subheading 1702.90.32:	
9906.17.16	Subject to the quantitative limits specified in U.S. note 17(a) to this subchapter.............................	Free (MX)
9906.17.17	Other.................................	[See Annex III(B) to this Proclamation] (MX)

Annex II (con.)
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Section (A). (con.)

123. (con.):

	Goods of Mexico, under the terms of general note 12 to the tariff schedule (con.):	
	Other sugars, including chemically pure lactose, maltose, glucose and fructose, in solid form; sugar syrups not containing added flavoring or coloring matter; artificial honey, whether or not mixed with natural honey; caramel (con.):	
	Provided for in subheading 1702.90.50:	
	Goods of the type described in U.S. note 18 to this subchapter:	
9906.17.18	Subject to the quantitative limits specified in U.S. note 18 to this subchapter................	Free (MX)
	Other:	
9906.17.19	Valued not over 31.5¢/kg.....	[See Annex III(B) to this Proclamation] (MX)
9906.17.20	Other........................	[See Annex III(B) to this Proclamation] (MX)
	Goods of the type described in U.S. note 19 to this subchapter:	
9906.17.21	Subject to the quantitative limits specified in U.S. note 19 to this subchapter................	Free (MX)
	Other:	
9906.17.22	Valued not over 31.5¢/kg.....	[See Annex III(B) to this Proclamation] (MX)
9906.17.23	Other........................	[See Annex III(B) to this Proclamation] (MX)
9906.17.24	Other..................................	Free (MX)
	Sugar confectionery (including white chocolate), not containing cocoa:	
	Provided for in subheading 1704.90.40:	
	Goods of a type described in U.S. note 7 to this subchapter:	
9906.17.25	Subject to the quantitative limits specified in U.S. note 7 to this subchapter................	Free (MX)
	Other:	
9906.17.26	Valued not over 43.75¢/kg....	[See Annex III(B) to this Proclamation] (MX)
9906.17.27	Other........................	[See Annex III(B) to this Proclamation] (MX)
9906.17.28	Other..................................	Free (MX)

Annex II (con.)
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Section (A). (con.)

123. (con.):

	Goods of Mexico, under the terms of general note 12 to the tariff schedule (con.):	
	Sugar confectionery (including white chocolate), not containing cocoa (con.):	
	Provided for in subheading 1704.90.60:	
	Goods of the type described in U.S. note 7 to this subchapter:	
9906.17.29	Subject to the quantitative limits specified in U.S. note 7 to this subchapter................	Free (MX)
	Other:	
9906.17.30	Valued not over 43.75¢/kg....	[See Annex III(B) to this Proclamation] (MX)
9906.17.31	Other........................	[See Annex III(B) to this Proclamation] (MX)
	Goods of the type described in U.S. note 18 to this subchapter:	
9906.17.32	Subject to the quantitative limits specified in U.S. note 18 to this subchapter................	Free (MX)
	Other:	
9906.17.33	Valued not over 43.75¢/kg....	[See Annex III(B) to this Proclamation] (MX)
9906.17.34	Other........................	[See Annex III(B) to this Proclamation] (MX)
	Goods of the type described in U.S. note 20 to this subchapter:	
9906.17.35	Subject to the quantitative limits specified in U.S. note 20 to this subchapter................	Free (MX)
	Other:	
9906.17.36	Valued not over 43.75¢/kg....	[See Annex III(B) to this Proclamation] (MX)
9906.17.37	Other........................	[See Annex III(B) to this Proclamation] (MX)
9906.17.38	Other..................................	[See Annex III(B) to this Proclamation] (MX)

Annex II (con.)
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Section (A). (con.)

123. (con.):

	Goods of Mexico, under the terms of general note 12 to the tariff schedule (con.):	
	Chocolate and other food preparations containing cocoa:	
	Provided for in subheading 1806.10.20:	
	Goods of the type described in U.S. note 20 to this subchapter:	
9906.18.01	Subject to the quantitative limits specified in U.S. note 20 to this subchapter................	Free (MX)
	Other:	
9906.18.02	Valued not over 20.2¢/kg.....	[See Annex III(B) to this Proclamation] (MX)
9906.18.03	Other........................	[See Annex III(B) to this Proclamation] (MX)
	Provided for in subheading 1806.10.30:	
	Goods of the type described in U.S. note 18 to this subchapter:	
9906.18.04	Subject to the quantitative limits specified in U.S. note 18 to this subchapter................	Free (MX)
	Other:	
9906.18.05	Valued not over 31.2¢/kg.....	[See Annex III(B) to this Proclamation] (MX)
9906.18.06	Other........................	[See Annex III(B) to this Proclamation] (MX)
	Goods of the type described in U.S. note 20 to this subchapter:	
9906.18.07	Subject to the quantitative limits specified in U.S. note 20 to this subchapter................	Free (MX)
	Other:	
9906.18.08	Valued not over 31.2¢/kg.....	[See Annex III(B) to this Proclamation] (MX)
9906.18.09	Other........................	[See Annex III(B) to this Proclamation] (MX)
9906.18.10	Other..................................	Free (MX)
	Provided for in subheading 1806.10.42:	
9906.18.11	Subject to the quantitative limits specified in U.S. note 17(a) to this subchapter............................	Free (MX)
9906.18.12	Other..................................	Dutiable on total sugars at the rate applicable under subheading 9906.17.02 (MX)

Annex II (con.)
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Section (A). (con.)

123. (con.):

	Goods of Mexico, under the terms of general note 12 to the tariff schedule (con.):	
	Chocolate and other food preparations containing cocoa (con.):	
	Provided for in subheading 1806.20.40:	
9906.18.13	Not containing butterfat or other milk solids............................	Free (MX)
	Other:	
9906.18.14	Subject to the quantitative limits specified in U.S. note 7 to this subchapter................	Free (MX)
	Other:	
9906.18.15	Valued not over 59¢/kg.......	[See Annex III(B) to this Proclamation] (MX)
9906.18.16	Other........................	[See Annex III(B) to this Proclamation] (MX)
	Provided for in subheading 1806.20.70:	
	Goods of a type described in U.S. note 18 to this subchapter:	
9906.18.17	Subject to the quantitative limits specified in U.S. note 18 to this subchapter................	Free (MX)
	Other:	
9906.18.18	Valued not over 28.3¢/kg.....	[See Annex III(B) to this Proclamation] (MX)
9906.18.19	Other........................	[See Annex III(B) to this Proclamation] (MX)
	Goods of a type described in U.S. note 20 to this subchapter:	
9906.18.20	Subject to the quantitative limits specified in U.S. note 20 to this subchapter................	Free (MX)
	Other:	
9906.18.21	Valued not over 28.3¢/kg.....	[See Annex III(B) to this Proclamation] (MX)
9906.18.22	Other........................	[See Annex III(B) to this Proclamation] (MX)
9906.18.23	Other..................................	Free (MX)
	Provided for in subheading 1806.20.80:	
	Goods of the type described in U.S. note 7 to this subchapter:	
9906.18.24	Subject to the quantitative limits specified in U.S. note 7 to this subchapter................	Free (MX)
	Other:	
9906.18.25	Valued not over 59¢/kg.......	[See Annex III(B) to this Proclamation] (MX)
9906.18.26	Other........................	[See Annex III(B) to this Proclamation] (MX)

Annex II (con.)
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Section (A). (con.)

123. (con.):

	Goods of Mexico, under the terms of general note 12 to the tariff schedule (con.):	
	Chocolate and other food preparations containing cocoa (con.):	
	Provided for in subheading 1806.20.80 (con.):	
	Goods of the type described in U.S. note 19 to this subchapter:	
9906.18.27	Subject to the quantitative limits specified in U.S. note 19 to this subchapter................	Free (MX)
	Other:	
9906.18.28	Valued not over 59¢/kg.......	[See Annex III(B) to this Proclamation] (MX)
9906.18.29	Other........................	[See Annex III(B) to this Proclamation] (MX)
	Goods of a type described in U.S. note 20 to this subchapter:	
9906.18.30	Subject to the quantitative limits specified in U.S. note 20 to this subchapter................	Free (MX)
	Other:	
9906.18.31	Valued not over 59¢/kg.......	[See Annex III(B) to this Proclamation] (MX)
9906.18.32	Other........................	[See Annex III(B) to this Proclamation] (MX)
9906.18.33	Other..................................	[See Annex III(B) to this Proclamation] (MX)
	Provided for in subheading 1806.32:	
	Goods of a type described in U.S. note 7 to this subchapter:	
9906.18.34	Subject to the quantitative limits specified in U.S. note 7 to this subchapter................	Free (MX)
	Other:	
9906.18.35	Valued not over 59¢/kg.......	[See Annex III(B) to this Proclamation] (MX)
9906.18.36	Other........................	[See Annex III(B) to this Proclamation] (MX)
9906.18.37	Other..................................	Free (MX)

Annex II (con.)
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Section (A). (con.)

123. (con.):

	Goods of Mexico, under the terms of general note 12 to the tariff schedule (con.):	
	Chocolate and other food preparations containing cocoa (con.):	
	Provided for in subheading 1806.90.00:	
	Goods of a type described in U.S. note 7 to this subchapter:	
9906.18.38	Subject to the quantitative limits specified in U.S. note 7 to this subchapter................	Free (MX)
	Other:	
9906.18.39	Valued not over 59¢/kg.......	[See Annex III(B) to this Proclamation] (MX)
9906.18.40	Other........................	[See Annex III(B) to this Proclamation] (MX)
	Goods of a type described in U.S. note 18 to this subchapter:	
9906.18.41	Subject to the quantitative limits specified in U.S. note 18 to this subchapter................	Free (MX)
	Other:	
9906.18.42	Valued not over 59¢/kg.......	[See Annex III(B) to this Proclamation] (MX)
9906.18.43	Other........................	[See Annex III(B) to this Proclamation] (MX)
	Goods of a type described in U.S. note 19 to this subchapter:	
9906.18.44	Subject to the quantitative limits specified in U.S. note 19 to this subchapter................	Free (MX)
	Other:	
9906.18.45	Valued not over 59¢/kg.......	[See Annex III(B) to this Proclamation] (MX)
9906.18.46	Other........................	[See Annex III(B) to this Proclamation] (MX)
	Goods of a type described in U.S. note 20 to this subchapter:	
9906.18.47	Subject to the quantitative limits specified in U.S. note 20 to this subchapter................	Free (MX)
	Other:	
9906.18.48	Valued not over 59¢/kg.......	[See Annex III(B) to this Proclamation] (MX)
9906.18.49	Other........................	[See Annex III(B) to this Proclamation] (MX)
9906.18.50	Other..................................	Free (MX)

Annex II (con.)
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Section (A). (con.)

123. (con.):

	Goods of Mexico, under the terms of general note 12 to the tariff schedule (con.):	
	Malt extract; food preparations of flour, meal, starch or malt extract, not containing cocoa powder or containing cocoa powder in a proportion by weight of less than 50 percent, not elsewhere specified or included; food preparations of goods of headings 0401 to 0404, not containing cocoa powder or containing cocoa powder in a proportion by weight of less than 10 percent, not elsewhere specified or included:	
	Provided for in subheading 1901.10:	
	Goods of a type described in U.S. note 7 to this subchapter:	
9906.19.01	Subject to the quantitative limits specified in U.S. note 7 to this subchapter................	Free (MX)
	Other:	
9906.19.02	Valued not over $1.27/kg.....	[See Annex III(B) to this Proclamation] (MX)
9906.19.03	Other........................	[See Annex III(B) to this Proclamation] (MX)
9906.19.04	Other..................................	[See Annex III(B) to this Proclamation] (MX)
	Provided for in subheading 1901.20:	
	Goods of the type described in U.S. note 7 to this subchapter:	
9906.19.05	Subject to the quantitative limits specified in U.S. note 7 to this subchapter................	Free (MX)
	Other:	
9906.19.06	Valued not over 47.7¢/kg.....	[See Annex III(B) to this Proclamation] (MX)
9906.19.07	Other........................	[See Annex III(B) to this Proclamation] (MX)
	Goods of the type described in U.S. note 18 to this subchapter:	
9906.19.08	Subject to the quantitative limits specified in U.S. note 18 to this subchapter................	Free (MX)
	Other:	
9906.19.09	Valued not over 47.7¢/kg.....	[See Annex III(B) to this Proclamation] (MX)
9906.19.10	Other........................	[See Annex III(B) to this Proclamation] (MX)

Annex II (con.)
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Section (A). (con.)

123. (con.):

	Goods of Mexico, under the terms of general note 12 to the tariff schedule (con.):	
	Malt extract; food preparations of flour, meal, starch or malt extract, not containing cocoa powder or containing cocoa powder in a proportion by weight of less than 50 percent, not elsewhere specified or included; food preparations of goods of headings 0401 to 0404, not containing cocoa powder or containing cocoa powder in a proportion by weight of less than 10 percent, not elsewhere specified or included (con.):	
	Provided for in subheading 1901.20 (con.):	
	Goods of the type described in U.S. note 20 to this subchapter:	
9906.19.11	Subject to the quantitative limits specified in U.S. note 20 to this subchapter................	Free (MX)
	Other:	
9906.19.12	Valued not over 47.7¢/kg.....	[See Annex III(B) to this Proclamation] (MX)
9906.19.13	Other......................	[See Annex III(B) to this Proclamation] (MX)
9906.19.14	Other..................................	Free (MX)
	Provided for in subheading 1901.90.31:	
9906.19.15	Cajeta with milk component containing over 50 percent by weight of goat's milk..................................	Free (MX)
	Other:	
	Goods of a type described in U.S. note 7 to this subchapter:	
9906.19.16	Subject to the quantitative limits specified in U.S. note 7 to this subchapter....	Free (MX)
	Other:	
9906.19.17	Valued not over $1.27/kg...............	[See Annex III(B) to this Proclamation] (MX)
9906.19.18	Other...................	[See Annex III(B) to this Proclamation] (MX)
9906.19.19	Other.............................	[See Annex III(B) to this Proclamation] (MX)

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Section (A). (con.)

123. (con.):

Goods of Mexico, under the terms of general note 12 to the tariff schedule (con.):
Malt extract; food preparations of flour, meal, starch or malt extract, not containing cocoa powder or containing cocoa powder in a proportion by weight of less than 50 percent, not elsewhere specified or included; food preparations of goods of headings 0401 to 0404, not containing cocoa powder or containing cocoa powder in a proportion by weight of less than 10 percent, not elsewhere specified or included (con.):
Provided for in subheading 1901.90.39:
Goods of a type described in U.S. note 7 to this subchapter:

9906.19.20	Subject to the quantitative limits described in U.S. note 7 to this subchapter................	Free (MX)
	Other:	
9906.19.21	Valued not over $1.27/kg.....	[See Annex III(B) to this Proclamation] (MX)
9906.19.22	Other........................	[See Annex III(B) to this Proclamation] (MX)
9906.19.23	Other..................................	[See Annex III(B) to this Proclamation] (MX)
	Provided for in subheading 1901.90.41 or 1901.90.49:	
	Goods of a type described in U.S. note 7 to this subchapter:	
9906.19.24	Subject to the quantitative limits specified in U.S. note 7 to this subchapter................	Free (MX)
	Other:	
9906.19.25	Valued not over $1.27/kg.....	[See Annex III(B) to this Proclamation] (MX)
9906.19.26	Other........................	[See Annex III(B) to this Proclamation] (MX)
9906.19.27	Other..................................	[See Annex III(B) to this Proclamation] (MX)
	Provided for in subheading 1901.90.81 or 1901.90.89:	
	Goods of the type described in U.S. note 7 to this subchapter:	
9906.19.28	Subject to the quantitative limits specified in U.S. note 7 to this subchapter................	Free (MX)
	Other:	
9906.19.29	Valued not over $1.27/kg.....	[See Annex III(B) to this Proclamation] (MX)
9906.19.30	Other........................	[See Annex III(B) to this Proclamation] (MX)

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Section (A). (con.)

123. (con.):

	Goods of Mexico, under the terms of general note 12 to the tariff schedule (con.):	
	Malt extract; food preparations of flour, meal, starch or malt extract, not containing cocoa powder or containing cocoa powder in a proportion by weight of less than 50 percent, not elsewhere specified or included; food preparations of goods of headings 0401 to 0404, not containing cocoa powder or containing cocoa powder in a proportion by weight of less than 10 percent, not elsewhere specified or included (con.):	
	Provided for in subheading 1901.90.81 or 1901.90.89 (con.):	
	Goods of the type described in U.S. note 18 to this subchapter:	
9906.19.31	Subject to the quantitative limits specified in U.S. note 18 to this subchapter................	Free (MX)
	Other:	
9906.19.32	Valued not over 22¢/kg.......	[See Annex III(B) to this Proclamation] (MX)
9906.19.33	Other........................	[See Annex III(B) to this Proclamation] (MX)
	Goods of the type described in U.S. note 20 to this subchapter:	
9906.19.34	Subject to the quantitative limits described in U.S. note 20 to this subchapter................	Free (MX)
	Other:	
9906.19.35	Valued not over 22¢/kg.......	[See Annex III(B) to this Proclamation] (MX)
9906.19.36	Other........................	[See Annex III(B) to this Proclamation] (MX)
	Other:	
9906.19.37	Valued not over 22¢/kg...........	[See Annex III(B) to this Proclamation] (MX)
9906.19.38	Other............................	[See Annex III(B) to this Proclamation] (MX)
	Other vegetables prepared or preserved otherwise than by vinegar or acetic acid, not frozen:	
	Provided for in subheading 2005.70.15:	
9906.20.01	In containers each holding more than 8 kg, drained weight, certified by the importer to be used for repacking or sale as green olives................	[See Annex III(B) to this Proclamation] (MX)
9906.20.02	Other.................................	[See Annex III(B) to this Proclamation] (MX)

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Section (A). (con.)

123. (con.):

	Goods of Mexico, under the terms of general note 12 to the tariff schedule (con.):	
	Fruit, nuts and other edible parts of plants, otherwise prepared or preserved, whether or not containing added sugar or other sweetening matter or spirit, not elsewhere specified or included:	
	Provided for in subheading 2008.11.20 or 2008.11.90:	
9906.20.03	Subject to the quantitative limits specified in U.S. note 16 to this subchapter............................	Free (MX)
	Other:	
9906.20.04	Valued not over 65.2¢/kg..........	[See Annex III(B) to this Proclamation] (MX)
9906.20.05	Other............................	[See Annex III(B) to this Proclamation] (MX)
	Fruit juices (including grape must) and vegetable juices, not fortified with vitamins or minerals, unfermented and not containing added spirit, whether or not containing added sugar or other sweetening matter:	
	Provided for in subheading 2009.11.00:	
9906.20.06	Subject to the quantitative limits specified in U.S. note 21 to this subchapter............................	[See Annex III(B) to this Proclamation] (MX)
9906.20.07	Other................................	[See Annex III(B) to this Proclamation] (MX)
	Provided for in subheading 2009.19.25:	
9906.20.08	Subject to the quantitative limits specified in U.S. note 22 to this subchapter............................	[See Annex III(B) to this Proclamation] (MX)
9906.20.09	Other................................	[See Annex III(B) to this Proclamation] (MX)

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Section (A). (con.)

123. (con.):

	Goods of Mexico, under the terms of general note 12 to the tariff schedule (con.):	
	Extracts, essences and concentrates, of coffee, tea or maté and preparations with a basis of these products or with a basis of coffee, tea or maté; roasted chicory and other roasted coffee substitutes, and extracts, essences and concentrates thereof:	
	Provided for in subheading 2101.10.40 or 2101.20.40:	
	Goods of a type described in U.S. note 18 to this subchapter:	
9906.21.01	Subject to the quantitative limits specified in U.S. note 18 to this subchapter................	Free (MX)
	Other:	
9906.21.02	Valued not over 28.3¢/kg.....	[See Annex III(B) to this Proclamation] (MX)
9906.21.03	Other........................	[See Annex III(B) to this Proclamation] (MX)
	Goods of a type described in U.S. note 19 to this subchapter:	
9906.21.04	Subject to the quantitative limits specified in U.S. note 19 to this subchapter................	Free (MX)
	Other:	
9906.21.05	Valued not over 28.3¢/kg.....	[See Annex III(B) to this Proclamation] (MX)
9906.21.06	Other........................	[See Annex III(B) to this Proclamation] (MX)
	Goods of a type described in U.S. note 20 to this subchapter:	
9906.21.07	Subject to the quantitative limits specified in U.S. note 20 to this subchapter................	Free (MX)
	Other:	
9906.21.08	Valued not over 28.3¢/kg.....	[See Annex III(B) to this Proclamation] (MX)
9906.21.09	Other........................	[See Annex III(B) to this Proclamation] (MX)
9906.21.10	Other..................................	Free (MX)

Annex II (con.)
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Section (A). (con.)

123. (con.):

	Goods of Mexico, under the terms of general note 12 to the tariff schedule (con.):	
	Sauces and preparations therefor; mixed condiments and mixed seasonings; mustard flour and meal and prepared mustard:	
	Provided for in subheading 2103.90.60:	
	Mixed condiments and mixed seasonings:	
	Goods of a type described in U.S. note 18 to this subchapter:	
9906.21.11	Subject to the quantitative limits specified in U.S. note 18 to this subchapter...........	Free (MX)
	Other:	
9906.21.12	Valued not over 28.3¢/kg................	[See Annex III(B) to this Proclamation] (MX)
9906.21.13	Other..................	[See Annex III(B) to this Proclamation] (MX)
	Goods of a type described in U.S. note 20 to this subchapter:	
9906.21.14	Subject to the quantitative limits specified in U.S. note 20 to this subchapter...........	Free (MX)
	Other:	
9906.21.15	Valued not over 28.3¢/kg................	[See Annex III(B) to this Proclamation] (MX)
9906.21.16	Other..................	[See Annex III(B) to this Proclamation] (MX)
9906.21.17	Other............................	Free (MX)
9906.21.18	Other..................................	Free (MX)
	Ice cream and other edible ice, whether or not containing cocoa:	
	Provided for in heading 2105.00.00:	
	Goods of a type described in U.S. note 4 to this subchapter:	
9906.21.19	Subject to the quantitative limits specified in U.S. note 4 to this subchapter................	Free (MX)
	Other:	
9906.21.20	Valued not over 51.2¢/kg.....	[See Annex III(B) to this Proclamation] (MX)
9906.21.21	Other.........................	[See Annex III(B) to this Proclamation] (MX)

Annex II (con.)
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Section (A). (con.)

123. (con.):

	Goods of Mexico, under the terms of general note 12 to the tariff schedule (con.):	
	Ice cream and other edible ice, whether or not containing cocoa (con.):	
	Provided for in heading 2105.00.00 (con.):	
	Goods of a type described in U.S. note 7 to this subchapter:	
9906.21.22	Subject to the quantitative limits specified in U.S. note 7 to this subchapter................	Free (MX)
	Other:	
9906.21.23	Valued not over 51.2¢/kg.....	[See Annex III(B) to this Proclamation] (MX)
9906.21.24	Other........................	[See Annex III(B) to this Proclamation] (MX)
9906.21.25	Other..................................	Free (MX)
	Food preparations not elsewhere specified or included:	
	Provided for in subheading 2106.90.05:	
9906.21.26	Subject to the quantitative limits specified in U.S. note 7 to this subchapter............................	Free (MX)
	Other:	
9906.21.27	Valued not over $1.26/kg..........	[See Annex III(B) to this Proclamation] (MX)
9906.21.28	Other............................	[See Annex III(B) to this Proclamation] (MX)
	Provided for in subheading 2106.90.12:	
9906.21.29	Subject to the quantitative limits specified in U.S. note 17(a) to this subchapter............................	Free (MX)
9906.21.30	Other..................................	[See Annex III(B) to this Proclamation] (MX)
	Provided for in subheading 2106.90.13 or 2106.90.14:	
	Goods of a type described in U.S. note 5 to this subchapter:	
9906.21.31	Subject to the quantitative limits specified in U.S. note 5 to this subchapter................	Free (MX)
	Other:	
9906.21.32	Valued not over $1.57/kg.....	[See Annex III(B) to this Proclamation] (MX)
9906.21.33	Other........................	[See Annex III(B) to this Proclamation] (MX)
9906.21.34	Other..................................	[See Annex III(B) to this Proclamation] (MX)

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Section (A). (con.)

123. (con.):

	Goods of Mexico, under the terms of general note 12 to the tariff schedule (con.):	
	Food preparations not elsewhere specified or included (con.):	
	Provided for in subheading 2106.90.16:	
9906.21.35	Subject to the quantitative limits specified in U.S. note 21 to this subchapter............................	[See Annex III(B) to this Proclamation] (MX)
9906.21.36	Other..................................	[See Annex III(B) to this Proclamation] (MX)
	Provided for in subheading 2106.90.41 or 2106.90.49:	
	Goods of a type described in U.S. note 7 to this subchapter:	
9906.21.37	Subject to the quantitative limits specified in U.S. note 7 to this subchapter................	Free (MX)
	Other:	
9906.21.38	Valued not over 74.8¢/kg.....	[See Annex III(B) to this Proclamation] (MX)
9906.21.39	Other........................	[See Annex III(B) to this Proclamation] (MX)
9906.21.40	Other..................................	[See Annex III(B) to this Proclamation] (MX)
	Provided for in subheading 2106.90.51 or 2106.90.59:	
	Goods of a type described in U.S. note 7 to this subchapter:	
9906.21.41	Subject to the quantitative limits specified in U.S. note 7 to this subchapter................	Free (MX)
	Other:	
9906.21.42	Valued not over 74.8¢/kg.....	[See Annex III(B) to this Proclamation] (MX)
9906.21.43	Other........................	[See Annex III(B) to this Proclamation] (MX)
	Goods of a type described in U.S. note 18 to this subchapter:	
9906.21.44	Subject to the quantitative limits specified in U.S. note 18 to this subchapter................	Free (MX)
	Other:	
9906.21.45	Valued not over 74.8¢/kg.....	[See Annex III(B) to this Proclamation] (MX)
9906.21.46	Other........................	[See Annex III(B) to this Proclamation] (MX)

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Section (A). (con.)

123. (con.):

	Goods of Mexico, under the terms of general note 12 to the tariff schedule (con.):	
	Food preparations not elsewhere specified or included (con.):	
	Provided for in subheading 2106.90.51 or 2106.90.59 (con.):	
	Goods of a type described in U.S. note 19 to this subchapter:	
9906.21.47	Subject to the quantitative limits specified in U.S. note 19 to this subchapter................	Free (MX)
	Other:	
9906.21.48	Valued not over 74.8¢/kg.....	[See Annex III(B) to this Proclamation] (MX)
9906.21.49	Other........................	[See Annex III(B) to this Proclamation] (MX)
	Goods of a type described in U.S. note 20 to this subchapter:	
9906.21.50	Subject to the quantitative limits specified in U.S. note 20 to this subchapter................	Free (MX)
	Other:	
9906.21.51	Valued not over 74.8¢/kg.....	[See Annex III(B) to this Proclamation] (MX)
9906.21.52	Other........................	[See Annex III(B) to this Proclamation] (MX)
	Other:	
9906.21.53	Valued not over 74.8¢/kg..........	[See Annex III(B) to this Proclamation] (MX)
9906.21.54	Other............................	[See Annex III(B) to this Proclamation] (MX)
	Waters, including mineral waters and aerated waters, containing added sugar or other sweetening matter or flavored, and other nonalcoholic beverages, not including fruit or vegetable juices of heading 2009:	
	Provided for in subheading 2202.90.20:	
9906.22.01	Subject to the quantitative limits specified in U.S. note 7 to this subchapter.............................	Free (MX)
	Other:	
9906.22.02	Valued not over 29.3¢/kg..........	[See Annex III(B) to this Proclamation] (MX)
9906.22.03	Other............................	[See Annex III(B) to this Proclamation] (MX)

Annex II (con.)
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Section (A). (con.)

123. (con.):

	Goods of Mexico, under the terms of general note 12 to the tariff schedule (con.):	
	Waters, including mineral waters and aerated waters, containing added sugar or other sweetening matter or flavored, and other nonalcoholic beverages, not including fruit or vegetable juices of heading 2009 (con.):	
	Provided for in subheading 2202.90.30:	
9906.22.04	Subject to the quantitative limits specified in U.S. note 22 to this subchapter..................................	[See Annex III(B) to this Proclamation] (MX)
9906.22.05	Other..................................	[See Annex III(B) to this Proclamation] (MX)
	Preparations of a kind used in animal feeding:	
	Provided for in subheading 2309.90.31 or 2309.90.39:	
9906.23.01	Subject to the quantitative limits specified in U.S. note 6 to this subchapter............................	Free (MX)
	Other:	
9906.23.02	Valued not over $1.21/kg..........	[See Annex III(B) to this Proclamation] (MX)
9906.23.03	Other............................	[See Annex III(B) to this Proclamation] (MX)
9906.29.01	Aromatic or cyclic aromatic organic chemicals (excluding 6,7-dihydroxy-2-naphthalenesulfonic acid, sodium salt) to be used in the manufacture of photographic couplers (however provided for in chapter 29)......................	Free (MX)
9906.29.02	Photographic color couplers (however provided for in chapter 29)...............................	Free (MX)
9906.29.03	1,1-Bis(4-chlorophenyl)-2,2,2-trichloroethanol (Dicofol); and 2-[(3-Nitrophenyl)sulfonyl]ethanol (CAS No. 41687-30-3) (all the foregoing goods provided for in subheading 2906.29.50)...........................	Free (MX)
9906.29.06	m-Hydroxybenzoic acid (provided for in subheading 2918.29.10)...........................	Free (MX)
9906.29.07	3,5,6-Trichlorosalicylic acid; and 6-Hydroxy-2-naphthoic acid (CAS No. 16712-64-4) (all the foregoing goods provided for in subheading 2918.29.80)...........................	Free (MX)
9906.29.08	1,3-Bis(aminomethyl)cyclohexane (provided for in subheading 2921.30.20)........................	Free (MX)
9906.29.09	m-Chloroaniline; 4,4'-Methylenebis(2,6-diisopropylaniline); and 2-Chloro-4-nitroaniline (CAS No. 121-87-9) (all the foregoing goods provided for in subheading 2921.42.75)...........................	Free (MX)

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Section (A). (con.)

123. (con.):

	Goods of Mexico, under the terms of general note 12 to the tariff schedule (con.):	
9906.29.10	4,4′-Bis(α,α-dimethylbenzyl)diphenylamine (provided for in subheading 2921.44.50)..........	Free (MX)
9906.29.11	m-Xylenediamine; and 1,4-Diaminobenzene-2-sulfonic acid (CAS No. 88-45-9) (all the foregoing goods provided for in subheading 2921.59.50)...........................	Free (MX)
9906.29.12	1-Amino-2,4-dibromoanthraquinone; 1-Amino-4-bromo-2-anthraquinonesulfonic acid (Bromamine acid) and its sodium salt; and 1,4-Diamino-2,3-dihydroanthraquinone (CAS No. 81-63-0) (all the foregoing goods provided for in subheading 2922.30.35)...........................	Free (MX)
9906.29.13	3,4-Diaminophenetole dihydrogen sulfate (CAS No. 85137-09-3) (provided for in subheading 2922.50.30)...........................	Free (MX)
9906.29.14	4-Methoxyaniline-2-sulfonic acid; and 1-Amino-2-bromo-4-hydroxyanthraquinone (CAS No. 116-82-5) (provided for in subheading 2922.50.40)..........	Free (MX)
9906.29.15	Acetoacetsulfanilic acid, potassium salt; N,N′-Bis(2,3-dihydroxypropyl)-5-[N-(2,3-dihydroxypropyl)acetamido]-2,4,6-triiodoisophthalamide (Iohexol); Iopamidol; and N-(2-Hydroxyethyl)-2,4,6-triiodo-5-[2-(2,4,6-triiodo-3-(N-methylacetamido)-5-(methylcarbamoyl)benzamido)acetamido] isophthalamic acid (Ioxaglic acid) (all the foregoing goods provided for in subheading 2924.29.44)...........................	Free (MX)
9906.29.16	4-Aminoacetanilide (CAS No. 122-80-5) (provided for in subheading 2924.29.46)..........	Free (MX)
9906.29.17	2,6-Dichlorobenzonitrile (provided for in subheading 2926.90.04)...........................	Free (MX)
9906.29.18	1,6-Hexamethylene diisocyanate (provided for in subheading 2929.10.60)...........................	[See Annex III(B) to this Proclamation] (MX)
9906.29.19	Diphenyldichlorosilane and phenyltrichlorosilane (provided for in subheading 2931.00.40)...........................	Free (MX)
9906.29.20	1-[1-((4-Chloro-2-(trifluoromethyl)phenyl)-imino)-2-propoxyethyl]-1H-imidazole (provided for in subheading 2933.29.30)....................	Free (MX)
9906.29.21	Terfenadine; Mepenzolate bromide; and Nimodipine (all the foregoing goods provided for in subheading 2933.39.37)...........................	Free (MX)

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Section (A). (con.)

123. (con.):

	Goods of Mexico, under the terms of general note 12 to the tariff schedule (con.):	
9906.29.22	1-[4-(1,1-Dimethylethyl)phenyl]-4-(hydroxydiphenylmethyl)-1-piperidinyl-1-butanone (Terfenadone); and N,N'-Bis(2,2,6,6-tetramethyl-4-piperidinyl)-1,6-hexanediamine (CAS No. 612-55-7) (all the foregoing goods provided for in subheading 2933.39.47)...........................	Free (MX)
9906.29.23	Ciprofloxacin and its hydrochloride salt; and 1-Ethyl-6-fluoro-1,4-dihydro-4-oxo-7-(1-piperazinyl)-3-quinolinecarboxylic acid (Norfloxacin) (all the foregoing goods provided for in subheading 2933.59.36)...........................	Free (MX)
9906.29.24	7-Nitronaphth[1,2]-oxadiazole-5-sulfonic acid (CAS No. 84-91-3) (provided for in subheading 2934.90.06).....................................	Free (MX)
9906.29.25	(6R,7R)-7-[(R)-2-Amino-2-phenylacetamido]-3-methyl-8-oxo-5-thia-1-azabicyclo[4.2.0]oct-2-ene-2-carboxylic acid disolvate; and (6R,7R)-7-Amino-3-chloro-8-oxa-5-thia-1-azabicyclo[4.2.0]oct-2-ene-2-carboxylic acid, (4-nitrophenyl)methyl ester (all the foregoing goods provided for in subheading 2934.90.40)...........................	Free (MX)
9906.29.26	2-Amino-N-ethylbenzenesulfonanilide (provided for in subheading 2935.00.10)....................	Free (MX)
9906.29.27	Sulfachloropyridazine (provided for in subheading 2935.00.39)...........................	Free (MX)
9906.29.28	Mixtures of ortho- and para-toluene sulfonamide; and N-(2,6-Dichloro-3-methylphenyl)-5-amino-1,3,4-triazole-2-sulfonamide (all the foregoing goods provided for in subheading 2935.00.70)...........................	Free (MX)
9906.29.29	2,4-Dichloro-5-sulfamoylbenzoic acid (provided for in subheading 2935.00.90)....................	Free (MX)
9906.29.30	N-(4-(((2-Amino-5-formyl-1,4,5,6,7,8-hexahydro-4-oxo-6-pteridinyl)methyl)amino)benzoyl)-L-glutamic acid (provided for in subheading 2936.29.20).....................................	Free (MX)
9906.29.31	Rifampin (provided for in subheading 2941.90.30).....................................	Free (MX)
9906.30.01	Teicoplanin (provided for in subheading 3003.20.00).....................................	Free (MX)
9906.32.01	Acid black 210 powder and presscake (CAS No. 112484-44-3) (provided for in subheading 3204.12.40).....................................	Free (MX)
9906.32.02	3,7-Bis(dimethylamino)phenazathionium chloride (Methylene blue) (provided for in subheading 3204.13.50).....................................	Free (MX)
9906.32.03	Pigment red 178 (CAS No. 3049-71-6) (provided for in subheading 3204.17.10)....................	Free (MX)

Annex II (con.)
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Section (A). (con.)

123. (con.):

	Goods of Mexico, under the terms of general note 12 to the tariff schedule (con.):	
9906.32.04	Isoindolenine red pigment (CAS No. 71552-60-8) (provided for in subheading 3204.17.30)..........	Free (MX)
9906.32.05	Pigment red 149 dry and pigment red 149 presscake (CAS No. 4948-15-6) (provided for in subheading 3204.17.50)...........................	Free (MX)
9906.32.06	Solvent yellow 43 (CAS No. 19125-99-6) (provided for in subheading 3204.19.15)..........	Free (MX)
9906.32.07	Solvent yellow 44 (CAS No. 2478-20-8) (provided for in subheading 3204.19.19)...................	Free (MX)
9906.38.01	Mixtures of 2-n-octyl-4-isothiazolin-3-one and application adjuvants; and Metaldehyde (all the foregoing goods provided for in subheading 3808.90.50)...........................	Free (MX)
9906.38.02	Mixtures of dimethyl phthalate, tert-butanol, hydrogen peroxide, and sodium salicylate (provided for in subheading 3823.90.27)..........	Free (MX)
	Chemical products and preparations of the chemical or allied industries (including those consisting of mixtures of natural products), not elsewhere specified or included; residual products of the chemical or allied industries, not elsewhere specified or included:	
	Provided for in subheading 3823.90.45:	
9906.38.03	Any mixture containing ethyl alcohol if such mixture is to be used as a fuel or in producing a mixture of gasoline and alcohol, a mixture of a special fuel and alcohol, or any other mixture to be used as fuel, or is suitable for any such uses; any mixture containing ethyl tertiary-butyl ether...................	[See Annex II(b) to this Proclamation] (MX)
9906.38.04	Other..................................	Free (MX)
	Cotton, whether or not carded or combed (provided for in heading 5201 or 5203) or cotton waste (provided for in subheading 5202.99.00):	
9906.52.01	Specified in U.S. note 24 to this subchapter..................................	Free (MX)
	Other:	
	Lap waste, sliver waste or roving waste:	
9906.52.02	Subject to the quantitative limits specified in U.S. note 25 to this subchapter................	Free (MX)
	Other:	
9906.52.03	Valued not over 34.2¢/kg.....	[See Annex III(B) to this Proclamation] (MX)
9906.52.04	Other........................	[See Annex III(B) to this Proclamation] (MX)

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Section (A). (con.)

123. (con.):

	Goods of Mexico, under the terms of general note 12 to the tariff schedule (con.):	
	Cotton, whether or not carded or combed (provided for in heading 5201 or 5203) or cotton waste (provided for in subheading 5202.99.00) (con.):	
	Other (con.):	
	Other:	
9906.52.05	Subject to the quantitative limits specified in U.S. note 25 to this subchapter................	Free (MX)
	Other:	
9906.52.06	Valued not over $1.36/kg.....	[See Annex III(B) to this Proclamation] (MX)
9906.52.07	Other........................	[See Annex III(B) to this Proclamation] (MX)
9906.52.08	Twill weave and mixtures of twill weave and satin weave (provided for in subheading 5209.19.00, 5209.29.00, 5209.39.00, 5209.59.00, 5211.19.00, 5211.29.00, 5211.39.00 or 5211.59.00)........................	Free (MX)
9906.54.01	Synthetic monofilament, other than nylon or other polyamide monofilament (provided for in subheading 5404.10.80)...........................	Free (MX)
9906.55.01	Artificial filament tow, other than of viscose rayon (provided for in heading 5502).............	Free (MX)
9906.55.02	Blue denim (provided for in subheading 5512.19.00 or 5514.32.00)........................	Free (MX)
9906.56.01	Nonwoven fiber sheet (provided for in subheading 5603.00.90)...........................	Free (MX)
9906.57.01	Needle-craft display models, primarily hand stitched, of completed mass-produced kits (provided for in subheading 5701.10.20, 5701.90.20, 5805.00.40, 6302.91.00, 6302.92.00, 6302.93.10, 6302.93.20, 6302.99.20, 6304.92.00, 6304.93.00, 6304.99.15, 6304.99.35, 6304.99.60 or 6307.90.99).....................................	Free (MX)
9906.57.02	Carpets and other textile floor coverings, tufted, whether or not made up, of man-made textile materials, measuring not more than 5.25 m² in area (provided for in subheading 5703.20.20 or 5703.30.00).......................	[See Annex III(B) to this Proclamation] (MX)
9906.58.01	Fastener fabric tapes of man-made fibers (provided for in subheading 5806.10.20)..........	[See Annex III(B) to this Proclamation] (MX)
9906.59.01	Theatrical, ballet, and operatic scenery and properties, including sets (provided for in subheading 5907.00.20, 5907.00.40, 5907.00.60 or 5907.00.80)..................................	Free (MX)

Annex II (con.)
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Section (A). (con.)

123. (con.):

	Goods of Mexico, under the terms of general note 12 to the tariff schedule (con.):	
9906.61.01	Suit-type jackets and blazers, containing 70 percent or more by weight of silk or silk waste (provided for in subheading 6103.39.20, 6104.39.20 or 6203.39.40)........................	Free (MX)
9906.61.02	Trousers, bib and brace overalls, breeches and shorts, containing 70 percent or more by weight of silk or silk waste (provided for in subheading 6103.49.30, 6104.69.30 or 6204.69.30).....................................	Free (MX)
9906.61.03	Women's or girls' suits, containing 70 percent or more by weight of silk or silk waste (provided for in subheading 6104.19.20)..........	Free (MX)
9906.61.04	Women's or girls' dresses, containing 70 percent or more by weight of silk or silk waste (provided for in subheading 6104.49.00)....	Free (MX)
9906.61.05	Women's or girls' skirts and divided skirts, containing 70 percent or more by weight of silk or silk waste (provided for in subheading 6104.59.20 or 6204.59.40).......................	Free (MX)
9906.61.06	Men's or boys' shirts, containing 70 percent or more by weight of silk or silk waste (provided for in subheading 6105.90.30)..........	Free (MX)
9906.61.07	Women's or girls' blouses and shirts, containing 70 percent or more by weight of silk or silk waste (provided for in subheading 6106.90.20).....................................	Free (MX)
9906.61.08	Men's or boys' nightshirts, pajamas, bathrobes, dressing gowns and similar articles, containing 70 percent or more by weight of silk or silk waste (provided for in subheading 6107.29.40, 6107.99.40, 6207.29.00 or 6207.99.60)..................................	Free (MX)
9906.61.09	Women's or girls' underwear (other than slips, petticoats, briefs, or panties), of cotton or of man-made fibers (provided for in subheading 6108.91.00 or 6108.92.00).......................	Free (MX)
9906.61.10	T-shirts, singlets, tank tops and similar garments, containing 70 percent or more by weight of silk or silk waste (provided for in subheading 6109.90.20)..........................	Free (MX)
	Sweaters, pullovers, sweatshirts, waistcoats (vests) and similar articles, knitted or crocheted:	
	Of cotton:	
	Containing 36 percent or more by weight of flax fibers (provided for in subheading 6110.20.10):	
9906.61.11	Sweaters; vests, other than sweater vests.....................	[See Annex III(B) to this Proclamation] (MX)
9906.61.12	Other............................	Free (MX)

Annex II (con.)
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Section (A). (con.)

123. (con.):

	Goods of Mexico, under the terms of general note 12 to the tariff schedule (con.):	
	Sweaters, pullovers, sweatshirts, waistcoats (vests) and similar articles, knitted or crocheted (con.):	
	Of cotton (con.):	
	Other (provided for in subheading 6110.20.20):	
9906.61.13	Boys' or girls' garments imported as parts of playsuits; sweaters; vests, other than sweater vests.....................	[See Annex III(B) to this Proclamation] (MX)
9906.61.14	Other..........................	Free (MX)
	Of other textile materials (provided for in subheading 6110.90.00):	
9906.61.15	Containing 70 percent or more by weight of silk or silk waste...........	Free (MX)
	Other:	
9906.61.16	Sweaters; vests other than sweater vests.....................	[See Annex III(B) to this Proclamation] (MX)
	Other:	
9906.61.17	Subject to cotton restraints...................	Free (MX)
9906.61.18	Other........................	[See Annex III(B) to this Proclamation] (MX)
9906.61.19	Track suit shirts, of cotton (provided for in subheading 6112.11.00)...........................	Free (MX)
9906.61.20	Track suits, containing 70 percent or more by weight of silk or silk waste (provided for in subheading 6112.19.20)...........................	Free (MX)
9906.61.21	Pants and shells for pants for use in ice hockey (provided for in heading 6113.00.00 or subheading 6210.40.10, 6210.40.20, 6210.50.10, 6210.50.20 or 6211.43.00).......................	Free (MX)
	Other garments, knitted or crocheted:	
	Of cotton (provided for in subheading 6114.20.00):	
9906.61.22	Sunsuits, washsuits, one-piece playsuits and similar apparel; boys' sizes 2-7 and girls' coveralls, jumpsuits and similar apparel, other than insulated for cold weather protection............................	[See Annex III(B) to this Proclamation] (MX)
9906.61.23	Other..................................	Free (MX)

Annex II (con.)
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Section (A). (con.)

123. (con.):

	Goods of Mexico, under the terms of general note 12 to the tariff schedule (con.):	
	Other garments, knitted or crocheted (con.):	
	Of man-made fibers:	
	Garments other than tops, bodysuits or bodyshirts (provided for in subheading 6114.30.30):	
9906.61.24	Sunsuits, washsuits, one-piece playsuits and similar apparel; coveralls, jumpsuits and similar apparel, containing 23 percent or more by weight of wool or fine animal hair..................	[See Annex III(B) to this Proclamation] (MX)
9906.61.25	Other.............................	Free (MX)
9906.61.26	Tops containing 70 percent or more by weight of silk or silk waste (provided for in subheading 6114.90.00)..........................	Free (MX)
9906.61.27	Gloves, mittens and mitts, knitted or crocheted, not impregnated, coated or covered with plastics or rubber, of textile materials except of wool, fine animal hair, cotton, synthetic or artificial fibers, other than subject to cotton or man-made fiber restraints (provided for in subheading 6116.99.80)..........	Free (MX)
9906.62.01	Suits, containing 70 percent or more by weight of silk or silk waste (provided for in subheading 6203.19.40 or 6204.19.30).............	Free (MX)
9906.62.02	Karate pants and karate belts (provided for in subheading 6203.42.40, 6204.62.40 or 6217.10.00)......................................	[See Annex III(B) to this Proclamation] (MX)
9906.62.03	Men's or boys' shirts, of silk or silk waste, subject to cotton restraints or man-made fiber restraints, or containing 70 percent or more by weight of silk or silk waste (provided for in subheading 6205.90.20)........................	Free (MX)
9906.62.04	Women's or girls' blouses, shirts and shirt-blouses, of silk or silk waste, subject to cotton restraints, or containing 70 percent or more by weight of silk or silk waste (provided for in subheading 6206.10.00)..........	Free (MX)
9906.62.05	Women's or girls' blouses, shirts and shirt-blouses, of other textile materials, subject to cotton restraints (provided for in subheading 6206.90.00)..........................	Free (MX)
9906.62.06	Women's or girls' singlets and other undershirts, briefs, panties, nightdresses, pajamas, negligees, bathrobes, dressing gowns and similar articles, containing 70 percent or more by weight of silk or silk waste (provided for in subheading 6208.29.00 or 6208.99.60)......	Free (MX)

Annex II (con.)
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Section (A). (con.)

123. (con.):

	Goods of Mexico, under the terms of general note 12 to the tariff schedule (con.):	
	Women's or girls' singlets and other undershirts, briefs, panties, negligees, bathrobes, dressing gowns and similar articles:	
	Of man-made fibers (provided for in subheading 6208.92.00):	
9906.62.07	Bathrobes, dressing gowns and similar articles......................	[See Annex III(B) to this Proclamation] (MX)
9906.62.08	Other................................	Free (MX)
9906.62.09	Spunlaced or bonded fiber fabric disposable gowns of man-made fibers intended for use during surgical procedures (provided for in subheading 6210.10.40).........................	[See Annex III(B) to this Proclamation] (MX)
9906.62.10	Men's or boys' track suits and other garments, of cotton or of man-made fibers, other than shirts excluded from heading 6205 (provided for in subheading 6211.32.00 or 6211.33.00)......	Free (MX)
9906.62.11	Men's or boys' track suits and other garments, containing 70 percent or more by weight of silk or silk waste (provided for in subheading 6211.39.00)....................................	Free (MX)
	Women's or girls' track suits and other garments, of cotton (provided for in subheading 6211.42.00):	
	Coveralls, jumpsuits and similar apparel:	
9906.62.12	Containing 15 percent or more by weight of down and waterfowl plumage and of which down comprises 35 percent or more by weight; containing 10 percent or more by weight of down........................	[See Annex III(B) to this Proclamation] (MX)
9906.62.13	Other, insulated for cold weather protection............................	Free (MX)
	Other:	
9906.62.14	Women's..........................	Free (MX)
9906.62.15	Girls'...........................	[See Annex III(B) to this Proclamation] (MX)
9906.62.16	Washsuits, sunsuits, one-piece playsuits and similar apparel; track suits............	[See Annex III(B) to this Proclamation] (MX)
9906.62.17	Other......................................	Free (MX)
9906.62.18	Women's or girls' coveralls, jumpsuits and similar apparel; washsuits, sunsuits, one-piece playsuits and similar apparel; track suits; the foregoing of man-made fibers (provided for in subheading 6211.43.00)..........	Free (MX)

Annex II (con.)
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Section (A). (con.)

123. (con.):

	Goods of Mexico, under the terms of general note 12 to the tariff schedule (con.):	
9906.63.01	Spunlaced or bonded fiber fabric disposable surgical drapes of man-made fibers (provided for in subheading 6307.90.70).....................	[See Annex III(B) to this Proclamation] (MX)
	Other footwear with outer soles and uppers of rubber or plastics:	
	Provided for in subheading 6402.19.10:	
9906.64.01	Skating boots for use in the manufacture of in-line roller skates...	Free (MX)
9906.64.02	Golf shoes..............................	[See Annex III(B) to this Proclamation] (MX)
9906.64.03	Other..................................	[See Annex III(B) to this Proclamation] (MX)
9906.64.04	Sandals and similar footwear of plastics, produced in one piece by molding (provided for in subheading 6402.99.15)........................	Free (MX)
9906.64.05	Sports footwear other than golf shoes (provided for in subheading 6403.19).............	Free (MX)
9906.64.06	Tennis shoes, basketball shoes, gym shoes, training shoes and the like, covering the ankle, not welt, for men, youths and boys (provided for in subheading 6403.91.60)..........	[See Annex III(B) to this Proclamation] (MX)
	Drinking glasses, not elsewhere specified or included (provided for in subheading 7013.29.10 or 7013.29.20):	
9906.70.01	Drinking glasses decorated with metal flecking, glass pictorial scenes, or glass thread-like or ribbon-like effects, any of the foregoing embedded or introduced into the body of the glassware prior to its solidification; millefiori glassware........	[See Annex III(B) to this Proclamation] (MX)
9906.70.02	Drinking glasses colored prior to solidification, and characterized by random distribution of numerous bubbles, seeds, or stones, throughout the mass of the glass..................................	[See Annex III(B) to this Proclamation] (MX)
9906.70.03	Specially tempered dinnerware composed of a high expansion opal core glass overlaid with a separately melted lower expansion clear surface glass to achieve a compressive stress of 60,000 pounds psi while maintaining residual stress below 4,500 psi (provided for in subheading 7013.39.60)...........................	Free (MX)
9906.70.04	Glassware articles with structural frames of brass, not watertight (provided for in subheading 7013.99.40, 7013.99.50, 7013.99.60, 7013.99.70, 7013.99.80 or 7013.99.90)............	Free (MX)

Annex II (con.)
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Section (A). (con.)

123. (con.):

	Goods of Mexico, under the terms of general note 12 to the tariff schedule (con.):	
9906.70.05	Fiberglass rubber reinforcing cord or yarn, made from electrically nonconductive continuous fiberglass filaments 9 microns in diameter or 10 microns in diameter and impregnated with resorcinol formaldehyde latex treatment for adhesion to polymeric compounds (provided for in subheading 7019.10.10, 7019.10.20 or 7019.10.60).....................................	Free (MX)
9906.70.06	Fiberglass tire cord fabric woven from electrically nonconductive continuous fiberglass filaments 9 microns in diameter or 10 microns in diameter and impregnated with resorcinol formaldehyde latex treatment for adhesion to polymeric compounds (provided for in subheading 7019.20.10, 7019.20.20 or 7019.20.50).....................................	Free (MX)
9906.73.01	Inner wire for caliper and cantilever brakes, whether or not cut to length (provided for in subheading 7312.10.30)........................	Free (MX)
9906.73.02	Cable for caliper and cantilever brakes, whether or not cut to length; derailleur cables (provided for in subheading 7312.10.50, 7312.10.60, 7312.10.70 or 7312.10.90)...........	Free (MX)
	Motor vehicles for the transport of goods:	
	Provided for in subheading 8704.10.50, 8704.22.50, 8704.23.00, 8704.32.00 or 8704.90.00:	
9906.87.01	Valued $1,000 or more..................	[See Annex III(B) to this Proclamation] (MX)
9906.87.02	Other.................................	[See Annex III(B) to this Proclamation] (MX)
	Provided for in subheading 8704.21.00 or 8704.31.00:	
9906.87.03	Valued $1,000 or more..................	[See Annex III(B) to this Proclamation] (MX)
9906.87.04	Other.................................	[See Annex III(B) to this Proclamation] (MX)
9906.87.05	Frame lugs and parts thereof (provided for in subheading 8714.91.90)...........................	Free (MX)
9906.87.06	Parts of drum brakes, caliper and cantilever brakes and coaster brakes (provided for in subheading 8714.94.60)..........................	Free (MX)
9906.87.07	Bicycle handlebar stems wholly of aluminum alloy (including their hardware of any material), valued over $2.15 each; Bicycle handlebar stem rotor assemblies; and Shift levers, trigger and twist grip controls for three speed hubs, and parts thereof (all the foregoing goods provided for in subheading 8714.99.90)..........................	Free (MX)

Annex II (con.)
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Section (A). (con.)

123. (con.):

	Goods of Mexico, under the terms of general note 12 to the tariff schedule (con.):	
9906.95.01	Articles (except parts) provided for in subheading 9502.99.30 or 9503.90.20, valued not over 5¢ per unit............................	Free (MX)
	Brooms, other than whiskbrooms, wholly or in part of broom corn:	
	Valued over 96¢ each (provided for in subheading 9603.10.60):	
9906.96.01	Brooms originating in Mexico not to exceed 100,000 dozen entered or withdrawn from warehouse for consumption in any calendar year.......	Free (MX)
9906.96.02	Other..................................	[See Annex III(B) to this Proclamation] (MX)"

Section (B). Subheading 4016.10.00 is modified by inserting the symbol "B" in the Rates of Duty 1 Special subcolumn, in alphabetical sequence in the parentheses following the rate of duty of "Free" in such subcolumn, effective with respect to (1) goods entered, or withdrawn from warehouse for consumption, on or after January 1, 1994, and (2) pursuant to sections 201 and 203 of the Automotive Products Act of 1965, upon importer request within 90 days of the date of signature of this proclamation for retroactive reliquidation of entries occurring during the period January 1, 1989, through December 31, 1993, inclusive, of goods to which the rate of duty provided herein would have applied if entered on January 1, 1994.

Annex III

Modifications to the Rates of Duty 1
Special Subcolumn of the HTS

Section (A). Effective with respect to goods entered, or withdrawn from warehouse for consumption, on or after January 1, 1994, or if the NAFTA does not enter into force on January 1, 1994, on or after such later date as the NAFTA enters into force.

(1). Effective with respect to goods of Mexico, under the terms of general note 12 to the tariff schedule:

(a). For the following provisions, in the Rates of Duty 1 Special subcolumn, insert in the parentheses following the "Free" rate in such subcolumn the symbol "MX" in alphabetical order:

0101.20.20	0204.30.00	0302.69.40	0404.10.05	0603.10.70
0101.20.40	0204.41.00	0302.70.20	0404.10.20	0603.10.80
0102.90.40	0204.42.20	0303.32.00	0404.90.10	0603.90.00
0104.20.00	0204.42.40	0303.33.00	0407.00.00	0604.99.60
0105.11.00	0204.43.20	0303.39.00	0408.11.00	0701.10.00
0105.19.00	0204.43.40	0303.71.00	0408.19.00	0701.90.10
0105.91.00	0207.10.20	0303.75.00	0408.91.00	0703.10.20
0105.99.00	0207.10.40	0303.77.00	0408.99.00	0703.10.30
0106.00.10	0207.21.00	0303.79.40	0409.00.00	0703.20.00
0106.00.30	0207.22.20	0303.80.20	0410.00.00	0704.10.20
0201.10.00	0207.22.40	0304.10.30	0501.00.00	0704.90.20
0201.20.20	0207.23.00	0304.20.50	0502.10.00	0705.11.20
0201.20.40	0207.31.00	0304.90.90	0505.10.00	0705.19.20
0201.20.60	0207.39.00	0305.10.40	0505.90.00	0705.21.00
0201.30.20	0207.41.00	0305.20.20	0509.00.00	0705.29.00
0201.30.40	0207.42.00	0305.41.00	0510.00.20	0706.10.05
0201.30.60	0207.43.00	0305.49.20	0511.99.40	0706.10.10
0202.10.00	0207.50.00	0305.51.00	0601.10.15	0706.90.20
0202.20.20	0208.10.00	0305.59.20	0601.10.30	0706.90.30
0202.20.40	0208.90.30	0305.59.40	0601.10.45	0707.00.20
0202.20.60	0208.90.40	0305.61.20	0601.10.60	0707.00.60
0202.30.20	0209.00.00	0305.63.20	0601.10.75	0708.10.20
0202.30.40	0210.11.00	0305.63.40	0601.10.85	0708.10.40
0202.30.60	0210.12.00	0305.69.20	0601.10.90	0708.20.10
0203.12.10	0210.19.00	0305.69.40	0601.20.10	0708.90.05
0203.19.20	0210.20.00	0305.69.50	0601.20.90	0708.90.15
0203.22.10	0210.90.20	0305.69.60	0602.10.00	0708.90.30
0203.29.20	0210.90.40	0306.14.20	0602.30.00	0709.10.00
0204.10.00	0302.22.00	0306.24.20	0602.91.00	0709.20.10
0204.21.00	0302.23.00	0307.60.00	0602.99.30	0709.30.40
0204.22.20	0302.29.00	0401.10.00	0602.99.40	0709.40.40
0204.22.40	0302.61.00	0401.20.20	0602.99.60	0709.90.05
0204.23.20	0302.65.00	0401.20.40	0602.99.90	0709.90.10
0204.23.40	0302.69.10	0403.90.20	0603.10.30	0709.90.13

Annex III (con.)
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Section (A)(1)(a). (con.):

0709.90.16	0713.40.20	0809.30.20	1005.90.40	1209.30.00
0709.90.30	0713.50.10	0809.40.40	1006.30.10	1209.91.10
0709.90.35	0713.50.20	0810.10.20	1007.00.00	1209.91.50
0710.21.20	0713.90.10	0810.10.40	1008.20.00	1209.91.80
0710.21.40	0713.90.60	0810.20.10	1008.30.00	1209.99.40
0710.22.10	0713.90.80	0811.20.20	1008.90.00	1210.10.00
0710.22.15	0714.10.00	0811.20.40	1101.00.00	1210.20.00
0710.22.25	0714.20.00	0811.90.10	1102.10.00	1211.90.40
0710.29.05	0714.90.10	0811.90.25	1102.20.00	1211.90.60
0710.29.15	0714.90.20	0811.90.35	1102.30.00	1212.30.00
0710.29.30	0714.90.60	0811.90.50	1102.90.30	1212.92.00
0710.30.00	0802.11.00	0811.90.52	1102.90.60	1214.10.00
0710.80.40	0802.12.00	0811.90.55	1103.11.00	1301.90.40
0710.80.45	0802.21.00	0812.20.00	1103.12.00	1302.12.00
0710.80.50	0802.22.00	0812.90.40	1103.13.00	1302.19.40
0710.80.60	0802.31.00	0812.90.90	1103.14.00	1302.31.00
0710.80.65	0802.32.00	0813.10.00	1103.19.00	1401.20.40
0710.80.70	0802.50.20	0813.20.10	1104.11.00	1401.90.40
0710.80.93	0802.50.40	0813.20.20	1104.12.00	1402.91.00
0710.90.10	0802.90.10	0813.30.00	1104.19.00	1403.10.00
0711.10.00	0802.90.15	0813.40.10	1104.21.00	1403.90.40
0711.20.15	0802.90.20	0813.40.15	1104.22.00	1501.00.00
0711.30.00	0802.90.25	0813.40.20	1104.23.00	1502.00.00
0711.40.00	0802.90.80	0813.40.30	1104.29.00	1503.00.00
0711.90.60	0802.90.90	0813.40.40	1104.30.00	1504.10.40
0712.30.10	0803.00.40	0813.40.80	1105.10.00	1504.20.40
0712.90.10	0804.10.40	0813.40.90	1105.20.00	1504.20.60
0712.90.15	0804.10.60	0813.50.00	1106.10.00	1504.30.00
0712.90.65	0804.20.40	0814.00.40	1106.30.20	1505.10.00
0712.90.70	0804.20.60	0814.00.80	1106.30.40	1505.90.00
0712.90.75	0804.30.20	0901.40.00	1107.10.00	1506.00.00
0712.90.80	0804.30.40	0902.10.10	1107.20.00	1507.90.20
0713.10.10	0804.30.60	0902.20.10	1108.11.00	1508.10.00
0713.10.40	0804.50.40	0904.20.20	1108.12.00	1508.90.00
0713.20.10	0804.50.80	0904.20.60	1108.20.00	1509.10.20
0713.20.20	0805.40.40	0904.20.70	1109.00.10	1509.10.40
0713.31.10	0805.90.00	0908.20.20	1109.00.90	1509.90.20
0713.31.40	0806.10.20	0910.10.40	1204.00.00	1509.90.40
0713.32.10	0806.10.60	0910.40.30	1205.00.00	1510.00.40
0713.32.20	0806.20.10	0910.40.40	1207.20.00	1510.00.60
0713.33.10	0806.20.20	0910.91.00	1207.91.00	1514.10.90
0713.33.20	0806.20.90	0910.99.40	1208.10.00	1514.90.50
0713.33.40	0807.10.30	0910.99.60	1208.90.00	1514.90.90
0713.39.10	0807.10.50	1001.90.10	1209.21.00	1515.11.00
0713.39.20	0807.10.60	1003.00.20	1209.22.20	1515.19.00
0713.39.40	0808.20.40	1003.00.40	1209.24.00	1515.21.00
0713.40.10	0809.10.00	1005.90.20	1209.25.00	1515.29.00

Annex III (con.)
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Section (A)(1)(a). (con.):

1515.30.20	1602.50.60	1703.90.30	2007.91.90	2009.80.80
1515.30.40	1602.50.90	1703.90.50	2007.99.05	2009.90.20
1515.50.00	1602.90.10	1704.10.00	2007.99.10	2101.30.00
1515.60.00	1602.90.90	1704.90.20	2007.99.20	2102.10.00
1515.90.40	1603.00.10	1803.20.00	2007.99.25	2102.20.20
1516.10.00	1604.11.20	1805.00.00	2007.99.40	2102.20.60
1516.20.10	1604.11.40	1806.10.41	2007.99.45	2103.10.00
1516.20.90	1604.12.20	1806.20.60	2007.99.48	2103.20.20
1517.10.00	1604.12.40	1806.31.00	2007.99.50	2103.30.40
1517.90.10	1604.13.40	1901.90.10	2007.99.75	2103.90.40
1517.90.20	1604.13.45	1902.11.40	2008.19.15	2104.10.00
1518.00.20	1604.13.50	1902.19.40	2008.19.20	2104.20.00
1518.00.40	1604.14.50	1902.20.00	2008.19.25	2106.10.00
1519.11.00	1604.15.00	1902.30.00	2008.19.30	2106.90.11
1519.12.00	1604.16.10	1902.40.00	2008.19.40	2106.90.20
1519.13.00	1604.16.30	1903.00.40	2008.19.90	2201.10.00
1519.19.20	1604.16.40	1904.10.00	2008.20.00	2202.90.90
1519.19.40	1604.19.20	1904.90.00	2008.30.10	2204.10.00
1519.20.20	1604.19.30	1905.90.90	2008.30.37	2204.21.20
1519.20.40	1604.19.80	2001.10.00	2008.30.54	2204.21.60
1519.20.60	1604.20.05	2001.20.00	2008.30.60	2204.30.00
1520.10.00	1604.30.20	2001.90.10	2008.30.80	2205.10.30
1520.90.00	1604.30.30	2001.90.25	2008.30.95	2205.10.60
1521.90.20	1605.10.05	2001.90.30	2008.50.40	2205.90.20
1522.00.00	1605.10.20	2001.90.33	2008.60.00	2205.90.40
1601.00.20	1605.10.40	2001.90.42	2008.91.00	2205.90.60
1601.00.40	1605.20.05	2001.90.45	2008.99.05	2206.00.15
1601.00.60	1605.30.05	2001.90.50	2008.99.13	2206.00.30
1602.10.00	1605.40.05	2004.10.40	2008.99.15	2206.00.45
1602.20.20	1605.90.05	2004.90.10	2008.99.18	2206.00.60
1602.20.40	1605.90.06	2004.90.80	2008.99.20	2206.00.90
1602.31.00	1605.90.10	2005.10.00	2008.99.23	2207.10.30
1602.39.00	1605.90.20	2005.20.20	2008.99.28	2208.10.30
1602.41.10	1605.90.50	2005.20.60	2008.99.29	2208.10.60
1602.41.20	1605.90.55	2005.51.20	2008.99.35	2208.10.90
1602.41.90	1701.11.01	2005.51.40	2008.99.40	2208.20.10
1602.42.20	1701.11.02	2005.59.00	2008.99.45	2208.20.20
1602.42.40	1701.12.01	2005.80.00	2008.99.50	2208.20.30
1602.49.10	1701.91.21	2005.90.10	2008.99.61	2208.20.40
1602.49.20	1701.99.01	2005.90.20	2008.99.63	2208.20.50
1602.49.40	1702.10.00	2005.90.85	2008.99.65	2208.20.60
1602.49.60	1702.30.40	2005.90.87	2008.99.80	2208.30.30
1602.49.90	1702.90.31	2005.90.95	2008.99.90	2208.30.60
1602.50.05	1702.90.35	2006.00.30	2009.30.10	2208.50.00
1602.50.09	1702.90.40	2006.00.70	2009.30.20	2208.90.01
1602.50.10	1703.10.30	2006.00.90	2009.50.00	2208.90.05
1602.50.20	1703.10.50	2007.91.40	2009.80.60	2208.90.10

Annex III (con.)
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Section (A)(1)(a). (con.):

2208.90.12	2508.60.00	2707.99.40	2825.20.00	2831.10.00
2208.90.14	2509.00.20	2710.00.35	2825.30.00	2831.90.00
2208.90.15	2511.10.10	2710.00.40	2825.50.10	2832.10.00
2208.90.20	2511.10.50	2713.12.00	2825.50.20	2832.20.00
2208.90.25	2511.20.00	2801.30.10	2825.50.30	2832.30.10
2208.90.30	2513.19.00	2801.30.20	2825.60.00	2832.30.50
2208.90.35	2513.29.00	2804.10.00	2825.70.00	2833.11.50
2208.90.40	2514.00.00	2804.21.00	2825.90.10	2833.21.00
2208.90.45	2515.11.00	2804.29.00	2825.90.15	2833.23.00
2208.90.50	2515.12.10	2804.30.00	2825.90.20	2833.24.00
2208.90.55	2515.12.20	2804.40.00	2825.90.60	2833.25.00
2208.90.60	2515.20.00	2804.61.00	2826.11.10	2833.26.00
2208.90.65	2516.12.00	2804.69.10	2826.11.50	2833.27.00
2208.90.70	2516.22.00	2805.11.00	2826.19.00	2833.29.10
2208.90.71	2516.90.00	2805.19.00	2826.20.00	2833.29.30
2208.90.72	2517.20.00	2805.22.10	2826.90.00	2833.29.50
2208.90.75	2517.30.00	2805.40.00	2827.10.00	2833.30.00
2208.90.80	2518.20.00	2806.20.00	2827.31.00	2833.40.10
2209.00.00	2518.30.00	2810.00.00	2827.33.00	2833.40.20
2302.50.00	2519.90.10	2811.19.10	2827.34.00	2833.40.50
2303.10.00	2520.20.00	2811.19.50	2827.35.00	2834.10.10
2304.00.00	2523.21.00	2811.21.00	2827.36.00	2834.10.50
2305.00.00	2525.20.00	2811.22.10	2827.37.00	2834.22.00
2306.10.00	2526.10.00	2811.23.00	2827.38.00	2834.29.20
2306.20.00	2526.20.00	2811.29.50	2827.39.10	2834.29.50
2306.30.00	2529.21.00	2812.10.50	2827.39.20	2835.10.00
2306.40.00	2529.22.00	2812.90.00	2827.39.30	2835.21.00
2306.50.00	2530.20.20	2813.10.00	2827.39.50	2835.22.00
2306.60.00	2530.40.00	2813.90.50	2827.41.00	2835.23.00
2306.90.00	2603.00.00	2815.30.00	2827.49.10	2835.24.00
2308.10.00	2607.00.00	2816.10.00	2827.49.50	2835.29.50
2308.90.50	2608.00.00	2816.20.00	2827.51.10	2835.31.00
2308.90.80	2611.00.00	2816.30.00	2827.51.20	2835.39.10
2309.90.60	2613.10.00	2818.10.20	2827.59.05	2835.39.50
2309.90.90	2613.90.00	2819.10.00	2827.59.30	2836.10.00
2401.10.80	2614.00.30	2819.90.00	2827.59.50	2836.20.00
2401.20.20	2616.10.00	2820.10.00	2827.60.20	2836.40.10
2401.20.50	2616.90.00	2820.90.00	2827.60.50	2836.40.20
2402.10.80	2619.00.30	2821.10.00	2828.10.00	2836.60.00
2402.20.10	2620.19.30	2821.20.00	2828.90.00	2836.70.00
2402.20.90	2620.19.60	2822.00.00	2829.19.00	2836.91.00
2403.91.20	2620.20.00	2823.00.00	2829.90.10	2836.92.00
2504.10.10	2620.30.00	2824.10.00	2829.90.50	2836.93.00
2507.00.00	2620.90.20	2824.20.00	2830.10.00	2836.99.10
2508.10.00	2620.90.90	2824.90.10	2830.20.00	2836.99.50
2508.30.00	2707.60.00	2824.90.50	2830.30.00	2837.20.10
2508.40.00	2707.99.30	2825.10.00	2830.90.00	2837.20.50

Annex III (con.)
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Section (A)(1)(a). (con.):

2838.00.00	2902.50.00	2904.90.20	2907.22.10	2911.00.00
2839.11.00	2903.11.00	2904.90.30	2907.29.10	2912.11.00
2839.19.00	2903.12.00	2904.90.40	2907.29.20	2912.12.00
2839.20.00	2903.13.00	2904.90.50	2907.29.30	2912.13.00
2839.90.00	2903.14.00	2905.11.20	2907.29.60	2912.19.10
2840.11.00	2903.15.00	2905.12.00	2908.10.10	2912.19.20
2840.19.00	2903.16.00	2905.13.00	2908.10.15	2912.19.30
2840.20.00	2903.19.10	2905.14.00	2908.10.20	2912.19.40
2840.30.00	2903.19.50	2905.15.00	2908.10.25	2912.19.50
2841.10.00	2903.21.00	2905.16.00	2908.10.50	2912.29.10
2841.20.00	2903.22.00	2905.19.00	2908.20.04	2912.29.50
2841.30.00	2903.23.00	2905.21.00	2908.20.08	2912.30.10
2841.40.00	2903.29.00	2905.22.10	2908.20.15	2912.30.20
2841.50.00	2903.30.05	2905.22.20	2908.20.20	2912.30.50
2841.60.00	2903.30.15	2905.22.50	2908.20.60	2912.41.00
2841.70.10	2903.30.20	2905.29.00	2908.90.04	2912.42.00
2841.70.50	2903.40.00	2905.31.00	2908.90.08	2912.49.10
2841.90.10	2903.51.00	2905.32.00	2908.90.24	2912.49.20
2841.90.20	2903.59.05	2905.39.10	2908.90.28	2912.49.50
2841.90.30	2903.59.10	2905.39.20	2908.90.30	2912.50.00
2841.90.50	2903.59.15	2905.39.50	2908.90.40	2912.60.00
2842.10.00	2903.59.20	2905.41.00	2908.90.50	2913.00.10
2842.90.00	2903.59.30	2905.42.00	2909.11.00	2913.00.50
2843.21.00	2903.59.40	2905.43.00	2909.19.10	2914.12.00
2843.29.00	2903.59.50	2905.44.00	2909.19.50	2914.13.00
2843.30.00	2903.61.10	2905.49.10	2909.20.00	2914.19.00
2843.90.00	2903.61.30	2905.49.20	2909.30.05	2914.21.20
2844.10.10	2903.62.00	2905.49.50	2909.30.07	2914.22.10
2844.30.10	2903.69.05	2905.50.10	2909.30.10	2914.22.20
2844.30.50	2903.69.10	2905.50.50	2909.30.20	2914.23.00
2846.10.00	2903.69.20	2906.11.00	2909.30.30	2914.29.10
2846.90.50	2903.69.25	2906.12.00	2909.41.00	2914.29.50
2847.00.00	2903.69.30	2906.13.10	2909.42.00	2914.30.00
2848.10.00	2904.10.04	2906.13.50	2909.43.00	2914.41.00
2849.10.00	2904.10.08	2906.14.00	2909.44.00	2914.49.50
2849.20.20	2904.10.10	2906.19.00	2909.49.05	2914.50.50
2849.90.10	2904.10.15	2906.29.10	2909.49.20	2914.61.00
2849.90.20	2904.10.32	2906.29.20	2909.49.50	2914.69.10
2849.90.30	2904.10.37	2907.11.00	2909.50.20	2914.69.20
2849.90.50	2904.10.50	2907.12.00	2909.50.40	2914.69.50
2850.00.07	2904.20.15	2907.15.10	2909.60.50	2914.70.10
2850.00.20	2904.20.30	2907.15.30	2910.10.00	2914.70.20
2850.00.50	2904.20.40	2907.15.60	2910.20.00	2914.70.50
2851.00.00	2904.20.45	2907.19.10	2910.30.00	2915.11.00
2901.10.30	2904.20.50	2907.19.40	2910.90.10	2915.12.00
2902.11.00	2904.90.04	2907.19.50	2910.90.20	2915.13.10
2902.19.00	2904.90.15	2907.21.00	2910.90.50	2915.13.50

Annex III (con.)
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Section (A)(1)(a). (con.):

2915.21.00	2916.39.15	2918.22.50	2921.49.30	2922.50.10
2915.22.00	2916.39.16	2918.23.10	2921.49.35	2922.50.11
2915.23.00	2916.39.20	2918.23.20	2921.49.40	2922.50.13
2915.24.00	2917.11.00	2918.29.20	2921.49.45	2922.50.16
2915.29.00	2917.12.20	2918.29.22	2921.51.10	2922.50.17
2915.31.00	2917.13.00	2918.29.30	2921.51.20	2922.50.19
2915.32.00	2917.14.10	2918.29.40	2921.51.30	2922.50.25
2915.33.00	2917.14.50	2918.30.10	2921.51.50	2922.50.50
2915.34.00	2917.19.15	2918.30.20	2921.59.10	2923.10.00
2915.35.00	2917.19.17	2918.30.30	2921.59.30	2923.20.00
2915.39.10	2917.19.20	2918.30.50	2921.59.40	2923.90.00
2915.39.20	2917.19.23	2918.90.10	2922.11.00	2924.10.10
2915.39.40	2917.19.30	2918.90.20	2922.12.00	2924.21.10
2915.39.45	2917.19.40	2918.90.30	2922.13.00	2924.21.15
2915.39.47	2917.19.50	2918.90.35	2922.19.10	2924.21.18
2915.39.50	2917.31.00	2918.90.50	2922.19.12	2924.21.20
2915.40.10	2917.32.00	2919.00.10	2922.19.15	2924.21.45
2915.40.20	2917.33.00	2919.00.30	2922.19.20	2924.21.50
2915.40.30	2917.34.00	2919.00.50	2922.19.30	2924.29.02
2915.40.50	2917.35.00	2920.10.10	2922.19.40	2924.29.04
2915.50.10	2917.37.00	2920.10.20	2922.19.50	2924.29.05
2915.50.20	2917.39.10	2920.10.50	2922.21.10	2924.29.07
2915.50.50	2917.39.15	2920.90.10	2922.21.20	2924.29.09
2915.60.10	2917.39.17	2920.90.50	2922.21.50	2924.29.11
2915.60.50	2917.39.20	2921.11.00	2922.22.10	2924.29.13
2915.70.00	2917.39.30	2921.12.00	2922.22.20	2924.29.14
2915.90.10	2918.11.10	2921.19.10	2922.22.50	2924.29.15
2915.90.20	2918.11.50	2921.19.50	2922.29.10	2924.29.19
2915.90.50	2918.12.00	2921.21.00	2922.29.15	2924.29.25
2916.12.10	2918.13.10	2921.22.05	2922.29.20	2924.29.35
2916.12.50	2918.13.20	2921.22.50	2922.29.25	2924.29.39
2916.13.00	2918.13.30	2921.29.00	2922.29.27	2924.29.42
2916.14.00	2918.13.50	2921.30.50	2922.29.29	2924.29.50
2916.15.50	2918.14.00	2921.42.20	2922.29.50	2925.11.00
2916.19.10	2918.15.10	2921.42.21	2922.30.10	2925.19.10
2916.19.20	2918.15.50	2921.42.22	2922.30.14	2925.19.50
2916.19.30	2918.16.10	2921.42.23	2922.30.25	2925.20.10
2916.19.50	2918.16.50	2921.42.25	2922.30.50	2925.20.15
2916.20.00	2918.17.10	2921.42.30	2922.41.00	2925.20.20
2916.31.10	2918.17.50	2921.43.10	2922.42.10	2925.20.40
2916.31.20	2918.19.10	2921.43.18	2922.42.50	2925.20.50
2916.33.10	2918.19.20	2921.45.10	2922.49.10	2926.10.00
2916.33.20	2918.19.30	2921.45.20	2922.49.30	2926.90.17
2916.33.30	2918.19.60	2921.45.30	2922.49.35	2926.90.21
2916.33.50	2918.19.90	2921.45.50	2922.49.40	2926.90.23
2916.39.08	2918.21.10	2921.49.10	2922.49.50	2926.90.25
2916.39.12	2918.22.10	2921.49.20	2922.50.05	2926.90.27

Annex III (con.)
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Section (A)(1)(a). (con.):

2926.90.48	2932.90.41	2933.90.44	2936.24.00	3004.31.00
2927.00.10	2932.90.45	2933.90.46	2936.25.00	3004.32.00
2927.00.15	2932.90.50	2933.90.51	2936.27.00	3004.39.00
2927.00.20	2933.11.00	2933.90.53	2936.28.00	3004.40.00
2927.00.30	2933.19.10	2933.90.55	2936.29.15	3004.50.30
2927.00.40	2933.19.25	2933.90.57	2936.29.50	3004.50.50
2928.00.10	2933.19.30	2933.90.59	2936.90.00	3004.90.30
2928.00.20	2933.19.35	2933.90.61	2937.10.00	3004.90.60
2928.00.30	2933.19.40	2933.90.65	2937.21.00	3005.10.10
2928.00.50	2933.19.42	2933.90.70	2937.22.00	3005.10.50
2929.10.15	2933.19.45	2933.90.75	2937.29.00	3005.90.10
2929.10.20	2933.19.50	2933.90.80	2937.91.00	3005.90.50
2929.10.30	2933.21.00	2933.90.83	2937.99.20	3006.10.00
2929.10.40	2933.29.20	2933.90.85	2937.99.60	3006.40.00
2929.90.10	2933.29.40	2933.90.90	2938.10.00	3006.50.00
2929.90.20	2933.29.45	2933.90.95	2938.90.00	3006.60.00
2929.90.50	2933.29.50	2934.10.10	2939.10.10	3201.90.10
2930.10.00	2933.39.21	2934.10.20	2939.10.20	3201.90.50
2930.20.10	2933.39.23	2934.10.50	2939.10.50	3202.10.10
2930.20.20	2933.39.25	2934.20.05	2939.30.00	3202.90.50
2930.20.50	2933.39.27	2934.20.10	2939.40.10	3203.00.50
2930.30.00	2933.40.10	2934.20.15	2939.40.50	3204.15.20
2930.40.00	2933.40.30	2934.20.20	2939.50.00	3204.15.30
2930.90.10	2933.51.10	2934.20.30	2939.60.00	3204.15.35
2930.90.24	2933.51.30	2934.20.35	2939.70.00	3204.15.40
2930.90.28	2933.51.60	2934.20.40	2939.90.10	3204.15.50
2930.90.30	2933.59.10	2934.20.60	2939.90.50	3204.19.30
2930.90.40	2933.59.15	2934.90.10	2940.00.00	3204.19.35
2930.90.45	2933.59.18	2934.90.12	2941.10.20	3204.90.00
2930.90.50	2933.59.20	2934.90.14	2941.20.00	3205.00.20
2931.00.10	2933.59.23	2934.90.16	2941.30.00	3206.10.00
2931.00.15	2933.59.59	2934.90.18	2941.50.00	3206.20.00
2931.00.22	2933.59.90	2934.90.20	2941.90.10	3206.30.00
2931.00.25	2933.61.00	2934.90.25	2941.90.50	3206.41.00
2931.00.50	2933.69.00	2934.90.47	2942.00.05	3206.42.00
2932.11.00	2933.71.00	2934.90.50	2942.00.10	3206.43.00
2932.13.00	2933.79.10	2935.00.05	2942.00.20	3206.49.10
2932.19.50	2933.79.15	2935.00.20	2942.00.50	3206.49.20
2932.21.00	2933.79.20	2935.00.30	3001.10.00	3206.49.30
2932.29.10	2933.79.30	2935.00.31	3001.20.00	3206.49.50
2932.29.50	2933.79.50	2935.00.33	3002.90.10	3206.50.00
2932.90.10	2933.90.15	2935.00.37	3003.31.00	3207.10.00
2932.90.20	2933.90.18	2935.00.43	3003.39.10	3207.20.00
2932.90.30	2933.90.20	2935.00.44	3003.40.00	3207.30.00
2932.90.35	2933.90.25	2936.10.00	3003.90.00	3208.10.00
2932.90.37	2933.90.26	2936.21.00	3004.10.10	3208.20.00
2932.90.39	2933.90.41	2936.22.00	3004.20.00	3208.90.00

Annex III (con.)
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Section (A)(1)(a). (con.):

3209.10.00	3401.11.50	3603.00.30	3804.00.50	3823.90.19
3209.90.00	3401.19.00	3603.00.60	3805.10.00	3823.90.22
3210.00.00	3401.20.00	3603.00.90	3805.90.00	3823.90.25
3211.00.00	3402.11.10	3604.10.00	3806.10.00	3823.90.31
3212.10.00	3402.11.50	3604.90.00	3806.20.00	3823.90.32
3212.90.00	3402.12.10	3606.90.30	3806.30.00	3823.90.33
3213.10.00	3402.12.50	3606.90.60	3806.90.00	3823.90.34
3213.90.00	3402.13.10	3701.10.00	3807.00.00	3823.90.35
3214.10.00	3402.13.20	3701.20.00	3808.10.10	3823.90.36
3215.11.00	3402.13.50	3701.30.00	3808.10.20	3823.90.40
3215.19.00	3402.19.10	3701.91.00	3808.10.30	3823.90.46
3215.90.10	3402.19.50	3701.99.30	3808.10.50	3823.90.47
3215.90.50	3402.20.10	3701.99.60	3808.20.10	3901.10.00
3301.12.00	3402.90.30	3702.10.00	3808.20.20	3901.20.00
3301.13.00	3402.90.50	3702.20.00	3808.20.30	3901.30.00
3301.19.10	3403.11.20	3702.31.00	3808.20.50	3901.90.50
3301.24.00	3403.11.40	3702.32.00	3808.30.10	3902.20.50
3301.29.10	3403.11.50	3702.39.00	3808.30.20	3902.30.00
3301.29.20	3403.19.10	3702.41.00	3808.40.10	3902.90.00
3301.90.10	3403.19.50	3702.42.00	3808.40.50	3903.11.00
3302.10.10	3403.91.10	3702.43.00	3808.90.10	3903.19.00
3302.10.20	3404.20.00	3702.44.00	3808.90.20	3903.20.00
3302.10.30	3405.10.00	3702.51.00	3809.10.00	3903.30.00
3302.90.10	3405.20.00	3702.52.00	3809.91.00	3903.90.10
3302.90.20	3405.30.00	3702.53.00	3809.92.10	3903.90.50
3303.00.20	3405.40.00	3702.54.00	3809.92.50	3904.10.00
3303.00.30	3405.90.00	3702.91.00	3810.90.10	3904.21.00
3304.10.00	3406.00.00	3702.92.00	3810.90.50	3904.22.00
3304.20.00	3407.00.20	3702.93.00	3811.11.10	3904.30.00
3304.30.00	3501.10.10	3702.95.00	3811.11.50	3904.40.00
3304.91.00	3501.90.20	3703.10.30	3812.20.10	3904.50.00
3304.99.00	3501.90.50	3703.10.60	3812.30.20	3904.61.00
3305.10.00	3502.10.10	3703.20.30	3812.30.50	3904.69.50
3305.20.00	3502.10.50	3703.20.60	3813.00.50	3904.90.50
3305.30.00	3503.00.10	3703.90.30	3814.00.10	3905.11.00
3305.90.00	3503.00.20	3703.90.60	3814.00.20	3905.19.00
3306.10.00	3503.00.40	3706.10.30	3814.00.50	3905.20.00
3306.90.00	3503.00.55	3707.10.00	3815.90.10	3905.90.10
3307.10.10	3504.00.10	3707.90.30	3815.90.20	3905.90.50
3307.10.20	3504.00.50	3707.90.60	3815.90.50	3906.10.00
3307.20.00	3505.10.00	3801.10.10	3816.00.00	3906.90.20
3307.30.10	3505.20.00	3801.30.00	3817.10.50	3906.90.50
3307.30.50	3506.10.50	3801.90.00	3817.20.00	3907.10.00
3307.41.00	3506.91.00	3802.10.00	3823.10.00	3907.20.00
3307.49.00	3506.99.00	3802.90.10	3823.20.00	3907.30.00
3307.90.00	3507.90.00	3802.90.20	3823.30.00	3907.40.00
3401.11.10	3601.00.00	3802.90.50	3823.60.00	3907.50.00

Annex III (con.)
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Section (A)(1)(a). (con.):

3907.60.00	3918.90.50	3923.10.00	4008.11.10	4104.22.00
3907.91.10	3919.10.10	3923.21.00	4008.11.50	4104.29.30
3907.91.50	3919.10.20	3923.29.00	4009.10.00	4104.29.50
3907.99.00	3919.90.10	3923.30.00	4009.20.00	4104.29.90
3908.10.00	3919.90.50	3923.40.00	4009.30.00	4104.31.20
3908.90.00	3920.10.00	3923.50.00	4009.40.00	4104.31.40
3909.10.00	3920.20.00	3923.90.00	4009.50.00	4104.31.50
3909.20.00	3920.30.00	3924.10.10	4010.10.10	4104.31.60
3909.30.00	3920.41.00	3924.10.20	4010.10.50	4104.31.80
3909.40.00	3920.42.10	3924.10.30	4010.91.11	4104.39.20
3909.50.20	3920.42.50	3924.10.50	4010.91.15	4104.39.40
3909.50.50	3920.51.10	3924.90.10	4010.91.50	4104.39.50
3910.00.00	3920.51.50	3924.90.20	4010.99.11	4104.39.60
3911.10.00	3920.59.10	3924.90.55	4010.99.15	4104.39.80
3911.90.20	3920.59.50	3925.10.00	4010.99.50	4105.11.00
3911.90.30	3920.61.00	3925.20.00	4011.10.00	4105.12.00
3911.90.50	3920.62.00	3925.30.10	4011.20.00	4105.20.30
3912.11.00	3920.63.10	3925.30.50	4011.40.00	4105.20.60
3912.12.00	3920.63.20	3925.90.00	4011.50.00	4106.12.00
3912.20.00	3920.69.00	3926.10.00	4011.91.50	4106.20.30
3912.31.00	3920.71.00	3926.20.10	4011.99.50	4106.20.60
3912.39.00	3920.72.00	3926.20.20	4012.10.50	4107.21.00
3912.90.00	3920.73.00	3926.20.30	4012.90.20	4107.29.30
3913.10.00	3920.79.10	3926.20.50	4012.90.50	4107.29.60
3913.90.20	3920.79.50	3926.30.10	4013.10.00	4107.90.60
3913.90.50	3920.91.00	3926.40.00	4013.20.00	4108.00.00
3914.00.00	3920.92.00	3926.90.10	4013.90.50	4109.00.70
3916.10.00	3920.93.00	3926.90.15	4014.10.00	4111.00.00
3916.20.00	3920.94.00	3926.90.20	4014.90.10	4201.00.30
3916.90.10	3920.99.10	3926.90.25	4014.90.50	4201.00.60
3916.90.20	3920.99.20	3926.90.30	4015.11.00	4202.22.35
3916.90.50	3920.99.50	3926.90.33	4015.19.10	4202.31.30
3917.10.10	3921.11.00	3926.90.35	4015.19.50	4202.32.10
3917.10.50	3921.12.11	3926.90.40	4016.10.00	4202.32.20
3917.21.00	3921.12.19	3926.90.45	4016.91.00	4202.39.10
3917.22.00	3921.12.50	3926.90.50	4016.92.00	4202.39.20
3917.23.00	3921.13.11	3926.90.56	4016.94.00	4202.39.50
3917.29.00	3921.13.19	3926.90.57	4016.95.00	4202.39.90
3917.31.00	3921.13.50	3926.90.60	4016.99.03	4202.92.50
3917.32.00	3921.14.00	3926.90.70	4016.99.05	4203.10.20
3917.39.00	3921.19.00	3926.90.75	4016.99.10	4203.21.20
3917.40.00	3921.90.11	3926.90.83	4016.99.15	4203.21.40
3918.10.10	3921.90.40	3926.90.95	4016.99.20	4203.21.55
3918.10.20	3921.90.50	4006.10.00	4017.00.00	4203.21.60
3918.10.31	3922.10.00	4006.90.10	4104.10.20	4203.21.80
3918.10.50	3922.20.00	4006.90.50	4104.10.40	4203.30.00
3918.90.10	3922.90.00	4007.00.00	4104.21.00	4203.40.30

Annex III (con.)
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Section (A)(1)(a). (con.):

4204.00.30	4412.21.00	4504.10.47	4804.41.40	4816.90.00
4205.00.40	4412.29.10	4504.10.50	4804.49.00	4817.10.00
4205.00.60	4412.29.30	4505.90.20	4804.59.00	4817.20.20
4206.10.30	4412.29.40	4504.90.40	4805.10.00	4817.20.40
4206.10.90	4412.29.50	4601.10.00	4805.30.00	4817.30.00
4206.90.00	4412.91.00	4601.20.20	4805.40.00	4818.10.00
4301.60.30	4412.99.10	4601.20.40	4805.60.20	4818.20.00
4302.11.00	4412.99.30	4601.20.60	4805.60.50	4818.30.00
4302.12.00	4412.99.40	4601.20.80	4805.60.90	4818.40.40
4302.13.00	4412.99.50	4601.20.90	4805.70.20	4818.50.00
4302.19.15	4412.99.90	4601.91.20	4805.80.20	4818.90.00
4302.19.30	4413.00.00	4601.91.40	4807.91.00	4819.10.00
4302.19.45	4414.00.00	4601.99.00	4807.99.20	4819.20.00
4302.19.60	4415.10.90	4602.10.05	4808.10.00	4819.30.00
4302.19.75	4415.20.80	4602.10.11	4808.90.20	4819.40.00
4302.20.30	4416.00.30	4602.10.12	4808.90.40	4819.50.20
4302.20.60	4416.00.90	4602.10.13	4808.90.60	4819.50.30
4302.20.90	4417.00.60	4602.10.19	4809.10.20	4819.50.40
4302.30.00	4417.00.80	4602.10.21	4809.20.20	4819.60.00
4303.10.00	4418.10.00	4602.10.22	4809.90.20	4820.10.20
4303.90.00	4418.20.40	4602.10.23	4809.90.40	4820.30.00
4304.00.00	4418.20.80	4602.10.25	4809.90.80	4820.40.00
4401.30.20	4418.30.00	4602.10.29	4810.11.20	4820.50.00
4409.10.20	4418.40.00	4602.10.40	4810.11.30	4820.90.00
4409.10.40	4418.90.40	4602.10.50	4810.11.90	4821.10.20
4409.10.50	4419.00.40	4602.90.00	4810.12.00	4821.10.40
4409.10.60	4419.00.80	4802.10.00	4810.21.00	4821.90.20
4409.20.50	4420.10.00	4802.30.20	4810.29.00	4821.90.40
4409.20.65	4420.90.20	4802.30.40	4810.39.40	4822.10.00
4410.10.00	4420.90.45	4802.51.10	4810.91.40	4822.90.00
4411.11.00	4420.90.80	4802.51.40	4810.99.00	4823.11.00
4411.19.20	4421.90.10	4802.52.10	4811.21.00	4823.19.00
4411.19.40	4421.90.20	4802.52.15	4811.31.40	4823.20.10
4411.21.00	4421.90.30	4802.52.20	4811.39.20	4823.20.90
4411.29.20	4421.90.50	4802.52.40	4811.40.00	4823.30.00
4411.29.60	4421.90.60	4802.53.10	4811.90.10	4823.40.00
4411.29.90	4421.90.95	4802.53.15	4811.90.20	4823.51.00
4412.11.10	4501.90.40	4802.53.20	4811.90.40	4823.59.20
4412.11.20	4502.00.00	4802.53.90	4811.90.80	4823.59.40
4412.11.50	4503.10.20	4802.60.10	4812.00.00	4823.60.00
4412.12.10	4503.10.30	4802.60.20	4813.10.00	4823.90.20
4412.12.15	4503.10.40	4803.00.20	4813.20.00	4823.90.40
4412.12.20	4503.10.60	4804.31.10	4813.90.00	4823.90.50
4412.12.50	4503.90.20	4804.31.20	4815.00.00	4823.90.60
4412.19.10	4503.90.60	4804.31.60	4816.10.00	4823.90.65
4412.19.30	4504.10.10	4804.39.20	4816.20.00	4823.90.70
4412.19.40	4504.10.45	4804.39.60	4816.30.00	4823.90.80

Annex III (con.)
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Section (A)(1)(a). (con.):

4823.90.85	5103.20.00	5505.10.00	5904.91.00	6117.10.40
4902.90.10	5105.40.00	5601.21.00	5904.92.00	6201.19.00
4905.10.00	5106.20.00	5601.22.00	5906.10.00	6201.93.20
4908.10.00	5109.90.60	5601.29.00	5906.91.20	6201.93.30
4908.90.00	5110.00.00	5602.10.90	5906.99.20	6201.99.00
4909.00.20	5113.00.00	5602.29.00	5909.00.10	6202.19.00
4909.00.40	5202.91.00	5602.90.60	5910.00.10	6202.93.20
4910.00.40	5208.31.20	5602.90.90	5911.10.10	6202.93.45
4910.00.60	5208.32.10	5606.00.00	5911.10.20	6202.99.00
4911.91.20	5208.41.20	5607.10.00	5911.20.10	6203.42.20
4911.91.40	5208.42.10	5607.29.00	5911.20.30	6203.43.15
4911.99.60	5208.51.20	5607.30.20	5911.40.00	6203.43.20
4911.99.80	5208.52.10	5607.41.10	5911.90.00	6203.43.35
5003.90.00	5209.31.30	5607.41.30	6102.30.05	6203.49.10
5004.00.00	5209.41.30	5607.49.10	6102.30.20	6203.49.30
5005.00.00	5209.42.00	5607.90.20	6103.42.20	6204.39.60
5006.00.10	5209.51.30	5608.90.23	6103.43.20	6204.42.10
5006.00.90	5211.42.00	5608.90.30	6103.49.20	6204.43.10
5007.10.30	5301.21.00	5609.00.20	6104.62.10	6204.44.20
5007.10.60	5301.29.00	5701.10.13	6104.63.10	6204.49.10
5007.20.00	5306.10.00	5702.10.10	6104.63.20	6204.52.10
5007.90.30	5306.20.00	5702.20.10	6104.69.10	6204.53.10
5007.90.60	5307.10.00	5702.39.10	6104.69.20	6204.59.10
5101.11.20	5307.20.00	5702.49.15	6107.11.00	6204.62.20
5101.11.40	5308.20.00	5702.91.20	6107.12.00	6204.62.30
5101.11.50	5308.30.00	5702.99.20	6107.19.00	6204.63.20
5101.11.60	5308.90.00	5703.90.00	6108.11.00	6204.63.30
5101.19.20	5309.11.00	5801.25.00	6108.19.00	6204.63.35
5101.19.40	5309.19.00	5801.35.00	6108.21.00	6204.69.25
5101.19.50	5309.21.30	5801.90.10	6108.22.00	6204.69.90
5101.19.60	5309.21.40	5801.90.20	6108.29.00	6205.10.10
5101.21.15	5309.29.30	5804.10.00	6108.39.20	6205.20.10
5101.21.30	5309.29.40	5804.29.00	6108.99.40	6205.30.10
5101.21.35	5310.90.00	5805.00.20	6109.10.00	6205.90.40
5101.21.40	5311.00.30	5805.00.25	6110.30.20	6206.20.10
5101.29.15	5311.00.40	5806.39.20	6112.12.00	6206.30.10
5101.29.30	5311.00.60	5806.39.30	6112.19.10	6206.30.30
5101.29.35	5403.33.00	5808.10.20	6112.20.10	6206.40.10
5101.29.40	5403.42.00	5903.10.10	6112.39.00	6207.11.00
5101.30.10	5404.10.10	5903.10.15	6112.41.00	6207.19.00
5101.30.15	5404.10.40	5903.10.20	6112.49.00	6208.19.20
5101.30.30	5404.90.00	5903.20.15	6114.30.10	6208.19.40
5101.30.40	5405.00.60	5903.20.20	6115.93.15	6208.99.80
5102.10.20	5501.30.00	5903.90.10	6116.10.08	6211.11.20
5102.10.40	5503.30.00	5903.90.15	6116.92.08	6211.12.30
5102.10.60	5504.10.00	5903.90.20	6116.93.08	6211.20.10
5103.10.00	5504.90.00	5904.10.00	6116.99.35	6211.20.20

Annex III (con.)
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Section (A)(1)(a). (con.):

6211.20.30	6406.99.30	6802.91.20	6906.00.00	7004.90.25
6211.20.50	6406.99.60	6802.91.25	6908.10.20	7004.90.30
6211.20.60	6406.99.90	6802.91.30	6909.11.20	7004.90.40
6212.10.10	6501.00.30	6802.92.00	6909.11.40	7004.90.50
6212.10.20	6501.00.60	6802.93.00	6909.19.10	7005.10.00
6212.20.00	6502.00.20	6802.99.00	6909.19.50	7005.29.25
6212.30.00	6502.00.40	6803.00.10	6909.90.00	7005.30.00
6213.10.10	6502.00.60	6803.00.50	6910.90.00	7006.00.10
6214.10.10	6503.00.30	6804.21.00	6911.10.20	7006.00.20
6216.00.08	6503.00.60	6804.22.10	6911.10.35	7006.00.40
6216.00.35	6504.00.30	6804.22.40	6911.10.39	7007.11.00
6216.00.46	6504.00.60	6804.22.60	6911.10.41	7007.19.00
6216.00.90	6505.10.00	6805.10.00	6911.10.45	7007.21.10
6302.60.00	6506.10.30	6805.20.00	6911.10.49	7007.21.50
6302.99.10	6506.10.60	6805.30.10	6911.10.60	7007.29.00
6303.19.00	6506.91.00	6806.10.00	6911.90.00	7008.00.00
6303.99.00	6506.92.00	6806.20.00	6912.00.10	7009.10.00
6304.99.10	6506.99.00	6806.90.00	6912.00.35	7009.91.10
6304.99.25	6507.00.00	6807.10.00	6912.00.41	7009.91.50
6304.99.40	6601.10.00	6807.90.00	6912.00.44	7009.92.10
6305.90.00	6601.91.00	6809.11.00	6912.00.46	7009.92.50
6306.22.10	6601.99.00	6809.19.00	6912.00.50	7010.10.00
6306.31.00	6602.00.00	6809.90.00	6913.10.10	7010.90.20
6306.39.00	6603.10.00	6810.11.00	6913.10.20	7010.90.30
6306.49.00	6603.20.30	6810.19.12	6913.10.50	7011.10.10
6307.90.85	6603.20.90	6810.19.14	6913.90.10	7011.10.50
6401.92.30	6603.90.00	6810.19.50	6913.90.20	7011.90.00
6401.99.80	6702.10.20	6810.20.00	6913.90.30	7012.00.00
6402.11.00	6702.10.40	6810.91.00	6913.90.50	7013.10.10
6402.19.30	6702.90.10	6810.99.00	6914.10.00	7013.21.50
6402.20.00	6702.90.35	6811.30.00	6914.90.00	7013.31.50
6402.30.60	6702.90.65	6812.50.10	7001.00.10	7013.91.50
6403.11.60	6703.00.30	6812.50.50	7001.00.20	7013.99.30
6403.20.00	6703.00.60	6814.10.00	7002.10.10	7013.99.35
6403.30.00	6704.11.00	6814.90.00	7002.10.20	7014.00.10
6404.19.40	6704.19.00	6815.10.00	7002.20.10	7014.00.20
6404.19.90	6704.20.00	6815.91.00	7002.20.50	7014.00.30
6405.20.60	6704.90.00	6815.99.40	7002.31.00	7014.00.50
6405.90.20	6801.00.00	6902.10.50	7002.32.00	7015.10.00
6406.10.60	6802.10.00	6902.20.50	7002.39.00	7015.90.10
6406.10.65	6802.21.10	6902.90.50	7003.11.00	7015.90.20
6406.10.72	6802.21.50	6903.10.00	7003.19.00	7015.90.50
6406.10.85	6802.22.00	6903.20.00	7003.20.00	7016.10.00
6406.10.90	6802.23.00	6903.90.00	7003.30.00	7016.90.10
6406.20.00	6802.29.00	6904.90.00	7004.10.10	7016.90.50
6406.91.00	6802.91.05	6905.10.00	7004.10.20	7017.10.00
6406.99.15	6802.91.15	6905.90.00	7004.10.50	7017.20.00

Annex III (con.)
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Section (A)(1)(a). (con.):

7017.90.00	7113.20.29	7206.90.00	7308.20.00	7320.10.30
7018.10.10	7113.20.30	7215.90.50	7308.30.10	7320.10.60
7018.10.20	7113.20.50	7216.60.00	7308.30.50	7320.10.90
7018.10.50	7114.11.10	7219.11.00	7308.40.00	7320.20.10
7018.20.00	7114.11.20	7219.12.00	7308.90.90	7320.20.50
7018.90.10	7114.11.30	7219.13.00	7309.00.00	7320.90.10
7018.90.50	7114.11.40	7225.10.00	7311.00.00	7320.90.50
7019.10.30	7114.11.50	7225.20.00	7312.10.05	7321.11.10
7019.10.40	7114.11.60	7225.90.00	7312.10.10	7321.11.30
7019.31.00	7114.11.70	7226.10.10	7312.10.20	7321.11.60
7019.32.00	7114.19.00	7226.10.50	7312.10.80	7321.12.00
7019.39.10	7114.20.00	7226.20.00	7312.90.00	7321.13.00
7019.39.50	7115.10.00	7226.91.15	7314.11.10	7321.81.10
7019.90.10	7115.90.10	7226.91.50	7314.11.20	7321.81.50
7019.90.50	7115.90.20	7226.92.10	7314.11.60	7321.82.10
7020.00.00	7115.90.50	7226.92.30	7314.11.90	7321.82.50
7101.21.00	7116.10.10	7226.92.50	7314.20.00	7321.83.00
7101.22.00	7116.10.15	7226.92.70	7314.30.50	7321.90.60
7102.21.30	7116.10.20	7226.92.80	7314.49.30	7322.11.00
7103.10.40	7116.20.10	7228.80.00	7314.49.60	7322.19.00
7103.99.10	7116.20.20	7302.30.00	7314.50.00	7322.90.00
7103.99.50	7116.20.50	7302.90.00	7315.11.00	7323.10.00
7104.10.00	7117.11.00	7303.00.00	7315.12.00	7323.91.50
7104.20.00	7117.19.10	7304.49.00	7315.19.00	7323.92.00
7104.90.10	7117.19.20	7304.51.10	7315.20.10	7323.93.00
7104.90.50	7117.19.30	7305.31.20	7315.82.10	7323.99.10
7105.90.00	7117.19.50	7306.30.30	7315.82.50	7323.99.30
7106.91.50	7117.90.20	7306.50.30	7315.89.10	7323.99.50
7106.92.00	7117.90.30	7307.11.00	7315.89.50	7323.99.70
7107.00.00	7117.90.40	7307.19.30	7315.90.00	7323.99.90
7108.12.50	7117.90.50	7307.21.10	7316.00.00	7324.10.00
7108.13.10	7201.40.00	7307.21.50	7317.00.10	7324.21.50
7108.13.50	7202.19.10	7307.22.10	7317.00.30	7324.29.00
7109.00.00	7202.21.10	7307.22.50	7317.00.65	7325.91.00
7111.00.00	7202.21.50	7307.23.00	7317.00.75	7325.99.10
7113.11.10	7202.21.75	7307.29.00	7318.12.00	7325.99.50
7113.11.20	7202.21.90	7307.91.10	7318.13.00	7326.11.00
7113.11.50	7202.30.00	7307.91.30	7318.15.50	7326.19.00
7113.19.10	7202.50.00	7307.91.50	7318.19.00	7326.20.00
7113.19.21	7202.70.00	7307.92.30	7318.21.00	7326.90.10
7113.19.25	7202.80.00	7307.92.90	7318.23.00	7326.90.60
7113.19.29	7202.91.00	7307.93.60	7318.24.00	7326.90.90
7113.19.30	7202.93.00	7307.93.90	7318.29.00	7401.10.00
7113.19.50	7202.99.10	7307.99.10	7319.20.00	7401.20.00
7113.20.10	7202.99.50	7307.99.30	7319.30.10	7403.11.00
7113.20.21	7205.10.00	7307.99.50	7319.30.50	7403.12.00
7113.20.25	7205.21.00	7308.10.00	7319.90.00	7403.13.00

Annex III (con.)
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Section (A)(1)(a). (con.):

7403.19.00	7411.21.10	7507.12.00	7615.10.90	8103.10.60
7403.21.00	7411.21.50	7507.20.00	7615.20.00	8103.90.00
7403.22.00	7411.22.00	7508.00.10	7616.10.10	8104.11.00
7403.23.00	7411.29.10	7508.00.50	7616.10.30	8104.90.00
7403.29.00	7411.29.50	7603.10.00	7616.10.50	8105.10.30
7405.00.10	7412.10.00	7603.20.00	7616.10.70	8105.90.00
7405.00.60	7412.20.00	7604.10.10	7616.10.90	8107.90.00
7406.10.00	7413.00.10	7604.10.30	7616.90.00	8108.10.50
7406.20.00	7413.00.50	7604.10.50	7801.10.00	8108.90.30
7407.10.50	7413.00.90	7604.29.10	7801.91.00	8108.90.60
7407.21.50	7414.10.60	7604.29.30	7801.99.30	8109.10.60
7407.21.70	7414.10.90	7604.29.50	7801.99.90	8109.90.00
7407.21.90	7414.90.00	7605.11.00	7802.00.00	8111.00.45
7407.22.50	7415.10.00	7605.19.00	7803.00.00	8111.00.60
7407.29.50	7415.21.00	7605.21.00	7804.11.00	8112.11.60
7408.11.30	7415.29.00	7605.29.00	7804.19.00	8112.19.00
7408.11.60	7415.31.00	7606.11.30	7804.20.00	8112.20.60
7408.19.00	7415.32.10	7606.11.60	7805.00.00	8112.30.60
7408.21.00	7415.32.50	7606.12.30	7806.00.00	8112.30.90
7408.22.10	7415.32.90	7606.12.60	7901.11.00	8112.40.60
7408.22.50	7415.39.00	7606.91.30	7901.12.50	8112.91.10
7408.29.10	7416.00.00	7606.91.60	7901.20.00	8112.91.40
7408.29.50	7417.00.00	7606.92.30	7903.10.00	8112.91.50
7409.11.10	7418.10.10	7606.92.60	7903.90.30	8112.91.60
7409.11.50	7418.10.20	7607.11.30	7903.90.60	8112.99.00
7409.19.10	7418.10.50	7607.11.60	7904.00.00	8113.00.00
7409.19.50	7418.20.10	7607.11.90	7905.00.00	8201.10.00
7409.19.90	7418.20.50	7607.19.10	7906.00.00	8201.20.00
7409.21.00	7419.10.00	7607.19.30	7907.10.00	8201.30.00
7409.29.00	7419.91.00	7607.19.60	7907.90.30	8201.40.60
7409.31.10	7419.99.30	7607.20.10	7907.90.60	8201.50.00
7409.31.50	7419.99.50	7608.10.00	8003.00.00	8201.60.00
7409.31.90	7505.11.10	7608.20.00	8004.00.00	8201.90.30
7409.39.10	7505.11.30	7609.00.00	8005.10.00	8202.20.00
7409.39.50	7505.11.50	7610.10.00	8005.20.00	8202.31.00
7409.39.90	7505.12.10	7610.90.00	8006.00.00	8202.32.00
7409.40.00	7505.12.30	7611.00.00	8007.00.10	8202.40.30
7409.90.10	7505.12.50	7612.10.00	8007.00.50	8202.40.60
7409.90.50	7505.21.10	7612.90.10	8101.10.00	8202.91.30
7409.90.90	7505.21.50	7613.00.00	8101.91.10	8202.91.60
7410.11.00	7505.22.10	7614.10.50	8101.91.50	8203.10.30
7410.12.00	7505.22.50	7614.90.20	8101.92.00	8203.10.60
7410.21.30	7506.10.10	7614.90.50	8101.99.00	8203.10.90
7410.21.60	7506.10.30	7615.10.10	8102.10.00	8203.20.20
7410.22.00	7506.20.10	7615.10.30	8102.91.10	8203.20.60
7411.10.10	7506.20.30	7615.10.50	8102.93.00	8203.20.80
7411.10.50	7507.11.00	7615.10.70	8102.99.00	8203.30.00

Annex III (con.)
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Section (A)(1)(a). (con.):

8203.40.30	8207.90.60	8215.99.35	8308.20.60	8411.21.40
8203.40.60	8207.90.75	8215.99.40	8308.90.30	8411.21.80
8204.11.00	8208.10.00	8215.99.45	8308.90.60	8411.22.40
8204.12.00	8208.20.00	8215.99.50	8308.90.90	8411.22.80
8204.20.00	8208.30.00	8301.10.50	8309.10.00	8411.81.40
8205.10.00	8208.40.30	8301.10.60	8309.90.00	8411.81.80
8205.20.30	8208.90.60	8301.10.90	8310.00.00	8411.82.40
8205.20.60	8209.00.00	8301.20.00	8311.30.30	8411.82.80
8205.30.30	8210.00.00	8301.30.00	8401.10.00	8411.91.90
8205.30.60	8211.91.10	8301.40.30	8401.20.00	8411.99.90
8205.40.00	8211.91.20	8301.40.60	8401.30.00	8412.10.00
8205.51.15	8211.91.25	8301.50.00	8401.40.00	8412.21.00
8205.51.30	8211.91.30	8301.60.00	8402.11.00	8412.29.40
8205.51.45	8211.91.40	8301.70.00	8402.12.00	8412.29.80
8205.51.60	8211.91.50	8302.10.30	8402.19.00	8412.31.00
8205.51.75	8211.91.60	8302.10.60	8402.20.00	8412.39.00
8205.59.10	8211.92.20	8302.10.90	8402.90.00	8412.80.10
8205.59.30	8211.92.40	8302.20.00	8403.10.00	8412.80.90
8205.59.45	8211.92.60	8302.30.30	8403.90.00	8412.90.10
8205.59.55	8211.92.80	8302.41.30	8404.10.00	8412.90.90
8205.59.60	8211.93.00	8302.41.60	8404.20.00	8413.11.00
8205.59.70	8211.94.10	8302.41.90	8404.90.00	8413.19.00
8205.59.80	8211.94.50	8302.42.30	8405.10.00	8413.20.00
8205.60.00	8212.10.00	8302.42.60	8405.90.00	8413.30.10
8205.70.00	8212.20.00	8302.49.20	8406.11.10	8413.30.90
8205.80.00	8212.90.00	8302.49.40	8406.11.90	8413.40.00
8205.90.00	8213.00.30	8302.49.60	8406.19.10	8413.50.00
8207.11.00	8213.00.60	8302.49.80	8406.19.90	8413.60.00
8207.12.30	8214.10.00	8302.50.00	8407.32.20	8413.70.20
8207.12.60	8214.20.30	8302.60.30	8407.33.20	8413.81.00
8207.20.00	8214.20.60	8302.60.90	8408.10.00	8413.82.00
8207.30.30	8214.20.90	8303.00.00	8408.20.20	8413.91.10
8207.30.60	8214.90.30	8304.00.00	8408.20.90	8413.91.90
8207.40.30	8214.90.60	8305.10.00	8408.90.90	8413.92.00
8207.40.60	8214.90.90	8305.20.00	8409.91.92	8414.10.00
8207.50.20	8215.91.30	8305.90.30	8409.91.99	8414.20.00
8207.50.40	8215.91.60	8305.90.60	8409.99.91	8414.30.40
8207.50.60	8215.91.90	8306.10.00	8409.99.92	8414.30.80
8207.50.80	8215.99.01	8306.21.00	8409.99.99	8414.40.00
8207.60.00	8215.99.05	8306.29.00	8410.11.00	8414.51.00
8207.70.30	8215.99.10	8306.30.00	8410.12.00	8414.60.00
8207.70.60	8215.99.15	8307.10.30	8410.13.00	8414.80.20
8207.80.30	8215.99.20	8307.10.60	8410.90.00	8414.80.90
8207.80.60	8215.99.22	8307.90.30	8411.11.40	8414.90.10
8207.90.15	8215.99.24	8307.90.60	8411.11.80	8414.90.90
8207.90.30	8215.99.26	8308.10.00	8411.12.40	8415.10.00
8207.90.45	8215.99.30	8308.20.30	8411.12.80	8415.81.00

Annex III (con.)
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Section (A)(1)(a). (con.):

8415.82.00	8421.22.00	8426.99.00	8438.10.00	8447.11.90
8415.83.00	8421.23.00	8428.10.00	8438.20.00	8447.12.10
8416.10.00	8421.29.00	8428.20.00	8438.40.00	8447.12.90
8416.20.00	8421.31.00	8428.31.00	8438.50.00	8447.20.10
8416.30.00	8421.99.00	8428.32.00	8438.60.00	8447.20.60
8416.90.00	8422.11.00	8428.33.00	8438.80.00	8447.90.10
8417.10.00	8422.19.00	8428.39.00	8438.90.90	8447.90.50
8417.20.00	8422.20.00	8428.40.00	8439.30.00	8447.90.90
8417.80.00	8422.30.10	8428.50.00	8439.91.10	8448.11.00
8417.90.00	8422.30.90	8428.60.00	8439.99.50	8448.19.00
8418.10.00	8422.40.10	8429.11.00	8440.10.00	8448.20.10
8418.21.00	8422.40.90	8429.19.00	8440.90.00	8448.20.50
8418.22.00	8422.90.10	8429.20.00	8441.10.00	8448.31.00
8418.29.00	8422.90.20	8429.30.00	8441.20.00	8448.32.00
8418.30.00	8422.90.90	8429.40.00	8441.30.00	8448.33.00
8418.40.00	8423.10.00	8429.51.10	8441.40.00	8448.39.10
8418.50.00	8423.20.00	8429.51.50	8441.80.00	8448.39.50
8418.61.00	8423.30.00	8429.52.10	8441.90.00	8448.39.90
8418.69.00	8423.81.00	8429.52.50	8442.50.90	8448.41.00
8418.91.00	8423.82.00	8429.59.10	8443.11.00	8448.42.00
8419.11.00	8423.89.00	8429.59.50	8443.12.00	8448.49.00
8419.20.00	8423.90.00	8430.10.00	8443.19.10	8448.51.10
8419.31.00	8424.10.00	8430.20.00	8443.19.50	8448.51.20
8419.32.10	8424.20.10	8430.31.00	8443.19.90	8448.51.30
8419.32.50	8424.20.90	8430.39.00	8443.21.00	8448.51.50
8419.39.00	8424.30.90	8430.41.00	8443.29.00	8448.59.10
8419.40.00	8424.81.90	8430.49.80	8443.30.00	8448.59.50
8419.50.00	8424.89.00	8430.50.50	8443.40.00	8449.00.10
8419.60.00	8424.90.05	8430.61.00	8443.50.10	8449.00.50
8419.81.10	8424.90.10	8430.62.00	8443.50.50	8450.11.00
8419.81.90	8424.90.90	8430.69.00	8443.60.00	8450.12.00
8419.89.10	8425.11.00	8431.10.00	8443.90.10	8450.19.00
8419.89.50	8425.19.00	8431.31.00	8443.90.50	8450.20.00
8419.90.10	8425.20.00	8431.39.00	8444.00.00	8451.10.00
8419.90.20	8425.31.00	8431.41.00	8445.11.00	8451.21.00
8419.90.30	8425.39.00	8431.42.00	8445.12.00	8451.29.00
8419.90.90	8425.41.00	8431.43.80	8445.13.00	8451.30.00
8420.10.10	8425.42.00	8431.49.10	8445.19.00	8451.40.00
8420.10.90	8425.49.00	8431.49.90	8445.20.00	8451.50.00
8420.91.10	8426.11.00	8433.11.00	8445.30.00	8451.80.00
8420.91.90	8426.12.00	8433.19.00	8445.40.00	8452.10.00
8420.99.10	8426.19.00	8433.90.10	8445.90.00	8452.21.90
8420.99.90	8426.20.00	8435.10.00	8446.10.00	8452.29.90
8421.11.00	8426.30.00	8435.90.00	8446.21.00	8452.30.00
8421.12.00	8426.41.00	8437.10.00	8446.29.00	8452.40.00
8421.19.00	8426.49.00	8437.80.00	8446.30.00	8452.90.00
8421.21.00	8426.91.00	8437.90.00	8447.11.10	8453.10.00

Annex III (con.)
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Section (A)(1)(a). (con.):

8453.80.00	8462.49.00	8471.92.10	8479.89.30	8501.10.20
8453.90.50	8463.10.00	8471.93.20	8479.89.70	8501.10.40
8455.10.00	8463.20.00	8471.93.40	8479.89.90	8501.10.60
8455.21.00	8463.30.00	8471.93.60	8479.90.40	8501.20.20
8455.22.00	8463.90.00	8471.99.34	8480.10.00	8501.20.40
8455.30.00	8464.10.00	8471.99.90	8480.20.00	8501.20.50
8456.10.10	8464.20.00	8472.10.00	8480.30.00	8501.20.60
8456.10.50	8464.90.00	8472.20.00	8480.41.00	8501.31.20
8456.20.10	8465.10.00	8472.30.00	8480.49.00	8501.31.40
8456.20.50	8465.91.00	8472.90.20	8480.50.00	8501.31.50
8456.30.10	8465.92.00	8472.90.40	8480.60.00	8501.31.60
8456.30.50	8465.93.00	8472.90.80	8480.71.90	8501.31.80
8456.90.10	8465.94.00	8473.21.00	8480.79.90	8501.32.20
8456.90.50	8465.95.00	8473.29.00	8481.10.00	8501.32.60
8457.10.00	8465.96.00	8473.40.20	8481.20.00	8501.33.30
8457.20.00	8465.99.00	8473.40.40	8481.30.10	8501.33.40
8457.30.00	8466.10.00	8474.10.00	8481.30.20	8501.33.60
8458.11.00	8466.20.10	8474.20.00	8481.30.90	8501.34.30
8458.19.00	8466.20.90	8474.31.00	8481.40.00	8501.34.60
8458.91.10	8466.30.10	8474.32.00	8481.80.10	8501.40.20
8458.91.50	8466.30.30	8474.39.00	8481.80.30	8501.40.50
8458.99.10	8466.30.50	8474.80.00	8481.80.50	8501.40.60
8458.99.50	8466.91.50	8474.90.00	8481.80.90	8501.51.20
8459.10.00	8466.92.50	8475.10.00	8481.90.10	8501.51.40
8459.21.00	8467.11.10	8475.20.00	8481.90.30	8501.51.50
8459.29.00	8467.11.50	8475.90.10	8481.90.50	8501.51.60
8459.31.00	8467.19.10	8475.90.90	8481.90.90	8501.52.40
8459.39.00	8467.19.50	8476.11.00	8483.10.10	8501.53.60
8459.40.00	8467.81.00	8476.19.00	8483.10.30	8501.53.80
8459.51.00	8467.89.10	8476.90.00	8483.10.50	8501.61.00
8459.59.00	8467.89.50	8477.10.60	8483.20.40	8501.62.00
8459.61.00	8467.91.00	8477.20.00	8483.30.40	8501.63.00
8459.69.00	8467.92.00	8477.30.00	8483.40.10	8501.64.00
8460.11.00	8467.99.00	8477.40.00	8483.40.50	8502.11.00
8460.19.00	8468.10.00	8477.51.00	8483.40.70	8502.12.00
8460.21.00	8468.20.10	8477.59.00	8483.40.80	8502.13.00
8460.29.00	8468.80.10	8477.80.00	8483.40.90	8502.20.00
8460.31.00	8468.90.10	8478.10.00	8483.50.40	8502.30.00
8460.39.00	8470.10.00	8478.90.00	8483.60.40	8502.40.00
8461.40.10	8470.21.00	8479.10.00	8483.90.10	8503.00.20
8461.40.50	8470.29.00	8479.20.00	8483.90.20	8504.10.00
8462.10.00	8470.30.00	8479.30.00	8483.90.50	8504.21.00
8462.21.00	8470.40.00	8479.40.00	8483.90.70	8504.22.00
8462.29.00	8470.90.00	8479.81.00	8484.10.00	8504.23.00
8462.31.00	8471.10.00	8479.82.00	8484.90.00	8504.31.20
8462.39.00	8471.20.00	8479.89.10	8485.10.00	8504.31.40
8462.41.00	8471.91.00	8479.89.20	8485.90.00	8504.31.60

Annex III (con.)
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Section (A)(1)(a). (con.):

8504.32.00	8512.40.20	8517.40.50	8525.10.80	8534.00.00
8504.33.00	8512.40.40	8517.40.70	8525.20.05	8535.10.00
8504.34.00	8512.90.20	8517.81.00	8525.20.15	8535.21.00
8504.50.00	8512.90.40	8518.10.00	8525.20.20	8535.29.00
8505.11.00	8512.90.70	8518.21.00	8525.20.30	8535.30.00
8505.19.00	8512.90.90	8518.22.00	8525.20.50	8535.40.00
8505.20.00	8513.10.20	8518.29.00	8525.20.60	8536.10.00
8505.30.00	8513.10.40	8518.30.10	8526.10.00	8536.20.00
8505.90.40	8513.90.20	8518.30.20	8526.91.00	8536.41.00
8505.90.80	8513.90.40	8518.40.10	8526.92.00	8536.49.00
8506.11.00	8514.10.00	8518.40.20	8527.11.11	8536.61.00
8506.12.00	8514.20.00	8518.50.00	8527.11.20	8536.69.00
8506.13.00	8514.30.00	8518.90.10	8527.11.40	8536.90.00
8506.19.00	8514.40.00	8518.90.30	8527.11.60	8537.20.00
8506.20.00	8514.90.00	8519.10.00	8527.19.00	8538.10.00
8506.90.00	8515.11.00	8519.21.00	8527.21.10	8539.10.00
8507.10.00	8515.19.00	8519.29.00	8527.21.40	8539.21.40
8507.90.40	8515.21.00	8519.31.00	8527.29.40	8539.22.40
8507.90.80	8515.29.00	8519.39.00	8527.29.80	8539.22.80
8508.10.00	8515.31.00	8519.40.00	8527.31.05	8539.29.10
8508.20.00	8515.39.00	8519.91.00	8527.31.40	8539.29.20
8508.80.00	8515.80.00	8519.99.00	8527.31.50	8539.29.40
8509.10.00	8515.90.20	8520.10.00	8527.31.60	8539.31.00
8509.20.00	8515.90.40	8520.20.00	8527.32.00	8539.39.00
8509.30.00	8516.10.00	8520.31.00	8527.39.00	8539.40.40
8509.40.00	8516.21.00	8520.39.00	8527.90.40	8539.40.80
8509.80.00	8516.29.00	8520.90.00	8527.90.80	8539.90.00
8510.10.00	8516.31.00	8521.10.30	8528.20.00	8540.20.20
8510.20.00	8516.32.00	8521.10.60	8529.10.20	8540.20.40
8510.90.10	8516.33.00	8521.10.90	8529.10.40	8540.30.00
8510.90.20	8516.40.20	8521.90.00	8529.10.60	8540.41.40
8510.90.30	8516.40.40	8522.10.00	8530.10.00	8540.42.00
8511.10.00	8516.50.00	8523.11.00	8530.80.00	8540.49.00
8511.20.00	8516.60.60	8523.12.00	8530.90.00	8540.81.00
8511.30.00	8516.71.00	8523.13.00	8531.10.00	8540.89.00
8511.40.00	8516.72.00	8523.20.00	8531.20.00	8540.91.20
8511.50.00	8516.79.00	8523.90.00	8532.21.00	8541.40.20
8511.80.20	8516.80.40	8524.10.00	8532.23.00	8543.10.00
8511.80.40	8516.80.80	8524.21.30	8532.24.00	8543.20.00
8511.80.60	8517.10.00	8524.22.10	8532.29.00	8543.30.00
8511.90.20	8517.20.00	8524.22.20	8532.30.00	8543.80.40
8511.90.40	8517.30.15	8524.23.10	8532.90.00	8543.80.60
8511.90.60	8517.30.20	8524.23.20	8533.10.00	8543.80.70
8512.10.20	8517.30.25	8524.90.30	8533.21.00	8544.11.00
8512.10.40	8517.30.30	8524.90.40	8533.29.00	8544.19.00
8512.20.40	8517.30.50	8525.10.20	8533.31.00	8544.20.00
8512.30.00	8517.40.10	8525.10.60	8533.39.00	8544.30.00

Annex III (con.)
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Section (A)(1)(a). (con.):

8544.41.00	8607.91.00	8714.11.00	9001.30.00	9007.21.80
8544.49.00	8607.99.10	8714.19.00	9001.40.00	9007.29.40
8544.51.40	8607.99.50	8714.20.00	9001.50.00	9007.29.80
8544.59.20	8608.00.00	8714.91.20	9001.90.40	9007.91.40
8544.59.40	8701.30.50	8714.92.50	9001.90.50	9007.91.80
8544.60.20	8701.90.50	8714.93.10	9001.90.60	9007.92.00
8544.60.40	8703.10.10	8714.93.20	9001.90.80	9008.10.00
8544.60.60	8703.10.50	8714.93.60	9001.90.90	9008.20.40
8544.70.00	8703.21.00	8714.93.80	9002.11.40	9008.20.80
8545.11.00	8703.22.00	8714.94.10	9002.11.80	9008.30.00
8545.19.20	8703.23.00	8714.94.15	9002.19.00	9008.40.00
8545.19.40	8703.24.00	8714.94.25	9002.20.40	9008.90.40
8545.20.00	8703.31.00	8714.94.40	9002.20.80	9008.90.80
8545.90.20	8703.32.00	8714.96.50	9002.90.20	9009.11.00
8545.90.40	8703.33.00	8714.99.10	9002.90.40	9009.12.00
8546.10.00	8703.90.00	8714.99.50	9002.90.70	9009.21.00
8546.20.00	8705.10.00	8715.00.00	9002.90.90	9009.22.00
8546.90.00	8705.20.00	8716.10.00	9003.11.00	9009.30.00
8547.10.40	8705.30.00	8716.20.00	9003.19.00	9010.10.00
8547.10.80	8705.40.00	8716.31.00	9003.90.00	9010.20.10
8547.20.00	8705.90.00	8716.39.00	9004.10.00	9010.20.20
8547.90.00	8706.00.25	8716.40.00	9004.90.00	9010.20.30
8548.00.00	8706.00.50	8716.80.50	9005.80.40	9010.20.40
8601.10.00	8707.10.00	8716.90.30	9005.80.60	9010.20.50
8601.20.00	8708.31.50	8716.90.50	9006.10.00	9010.20.60
8602.10.00	8708.39.50	8801.10.00	9006.20.00	9010.30.00
8602.90.00	8708.40.10	8801.90.00	9006.30.00	9010.90.40
8603.10.00	8708.40.20	8802.11.00	9006.40.40	9010.90.80
8603.90.00	8708.40.50	8802.12.00	9006.40.60	9011.10.40
8604.00.00	8708.50.30	8802.20.00	9006.40.90	9011.10.80
8605.00.00	8708.50.50	8802.30.00	9006.51.00	9011.20.40
8606.10.00	8708.50.80	8802.40.00	9006.52.10	9011.20.80
8606.20.00	8708.60.30	8802.50.90	9006.52.30	9011.80.00
8606.30.00	8708.60.50	8804.00.00	9006.52.50	9011.90.00
8606.91.00	8708.60.80	8805.10.00	9006.52.60	9012.10.00
8606.92.00	8708.91.50	8903.10.00	9006.52.90	9012.90.00
8606.99.00	8708.94.50	8903.91.00	9006.53.00	9013.10.10
8607.11.00	8711.10.00	8903.92.00	9006.59.40	9013.10.30
8607.12.00	8711.20.00	8903.99.15	9006.59.60	9013.10.40
8607.19.30	8711.30.00	8903.99.20	9006.59.90	9013.20.00
8607.19.90	8711.40.30	8903.99.90	9006.61.00	9013.80.20
8607.21.10	8711.40.60	8905.90.10	9006.62.00	9013.80.40
8607.21.50	8711.50.00	8906.00.10	9006.69.00	9013.80.60
8607.29.10	8711.90.00	8907.10.00	9006.91.00	9013.90.20
8607.29.50	8712.00.50	8907.90.00	9006.99.00	9013.90.40
8607.30.10	8713.10.00	9001.10.00	9007.11.00	9014.10.10
8607.30.50	8713.90.00	9001.20.00	9007.21.40	9014.10.60

Annex III (con.)
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Section (A)(1)(a). (con.):

9014.10.70	9018.90.80	9026.80.60	9032.90.40	9102.91.20
9014.10.90	9019.10.20	9026.90.20	9032.90.60	9102.99.20
9014.20.20	9019.10.40	9026.90.40	9033.00.00	9102.99.40
9014.20.40	9019.10.60	9026.90.60	9101.12.20	9102.99.60
9014.20.60	9019.20.00	9027.10.20	9101.12.40	9102.99.80
9014.80.10	9020.00.60	9027.10.40	9101.12.80	9103.10.20
9014.80.20	9020.00.90	9027.10.60	9101.21.10	9103.10.40
9014.80.40	9021.11.00	9027.20.42	9101.21.30	9103.10.80
9014.90.10	9021.19.40	9027.20.44	9101.21.50	9103.90.00
9014.90.60	9021.19.85	9027.20.80	9101.21.80	9104.00.05
9015.10.40	9021.21.40	9027.30.40	9101.29.10	9104.00.10
9015.10.80	9021.21.80	9027.30.80	9101.29.20	9104.00.20
9015.20.40	9021.29.40	9027.40.00	9101.29.30	9104.00.25
9015.20.80	9021.29.80	9027.50.40	9101.29.40	9104.00.30
9015.30.40	9021.30.00	9027.50.80	9101.29.50	9104.00.40
9015.30.80	9021.40.00	9027.90.20	9101.29.70	9104.00.45
9015.40.40	9021.50.00	9027.90.42	9101.29.80	9104.00.50
9015.40.80	9021.90.40	9027.90.60	9101.29.90	9104.00.60
9015.80.20	9021.90.80	9027.90.80	9101.91.20	9105.11.40
9015.80.60	9022.11.00	9028.10.00	9101.91.40	9105.11.80
9015.80.80	9022.19.00	9028.20.00	9101.91.80	9105.19.10
9015.90.00	9022.21.00	9028.30.00	9101.99.20	9105.19.20
9016.00.20	9022.29.40	9028.90.00	9101.99.40	9105.19.30
9016.00.40	9022.29.80	9029.10.40	9101.99.60	9105.19.40
9016.00.60	9022.30.00	9029.20.60	9101.99.80	9105.19.50
9017.10.00	9024.10.00	9029.90.20	9102.12.20	9105.21.40
9017.20.40	9024.80.00	9029.90.60	9102.12.40	9105.21.80
9017.20.80	9024.90.00	9030.10.00	9102.12.80	9105.29.10
9017.30.40	9025.11.20	9030.20.00	9102.21.10	9105.29.20
9017.30.80	9025.11.40	9030.31.00	9102.21.25	9105.29.30
9017.80.00	9025.19.40	9030.39.00	9102.21.30	9105.29.40
9017.90.00	9025.19.80	9030.40.00	9102.21.50	9105.29.50
9018.19.40	9025.20.40	9030.81.00	9102.21.70	9105.91.40
9018.20.00	9025.20.80	9030.89.00	9102.21.90	9105.91.80
9018.31.00	9025.80.10	9031.10.00	9102.29.02	9105.99.10
9018.32.00	9025.80.20	9031.20.00	9102.29.04	9105.99.20
9018.39.00	9025.80.35	9031.30.00	9102.29.10	9105.99.30
9018.41.00	9025.80.40	9031.80.00	9102.29.15	9105.99.40
9018.49.40	9025.80.50	9031.90.20	9102.29.20	9105.99.50
9018.49.80	9025.90.00	9031.90.60	9102.29.25	9105.99.60
9018.50.00	9026.10.20	9032.10.00	9102.29.30	9106.10.00
9018.90.10	9026.10.40	9032.20.00	9102.29.35	9106.20.00
9018.90.20	9026.10.60	9032.81.00	9102.29.40	9106.90.40
9018.90.30	9026.20.40	9032.89.20	9102.29.45	9106.90.80
9018.90.40	9026.20.80	9032.89.40	9102.29.50	9107.00.40
9018.90.50	9026.80.20	9032.89.60	9102.29.55	9107.00.80
9018.90.60	9026.80.40	9032.90.20	9102.29.60	9108.12.00

Annex III (con.)
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Section (A)(1)(a). (con.):

9108.20.40	9114.40.20	9301.00.90	9401.80.40	9405.40.60
9108.20.80	9114.40.40	9302.00.00	9401.80.60	9405.40.80
9108.91.10	9114.40.60	9303.20.00	9401.90.10	9405.50.20
9108.91.20	9114.40.80	9303.30.40	9401.90.15	9405.50.30
9108.91.30	9114.90.15	9303.30.80	9401.90.25	9405.50.40
9108.91.40	9114.90.30	9303.90.40	9401.90.35	9405.60.20
9108.91.50	9114.90.40	9303.90.80	9401.90.40	9405.60.40
9108.91.60	9114.90.50	9304.00.20	9401.90.50	9405.60.60
9108.99.20	9201.10.00	9304.00.40	9402.10.00	9405.91.10
9108.99.40	9201.20.00	9304.00.60	9402.90.00	9405.91.40
9108.99.60	9201.90.00	9305.10.20	9403.10.00	9405.91.60
9108.99.80	9202.10.00	9305.10.40	9403.20.00	9405.92.00
9109.11.10	9202.90.20	9305.10.80	9403.30.40	9405.99.20
9109.11.20	9202.90.40	9305.21.80	9403.30.80	9405.99.40
9109.11.40	9202.90.60	9305.29.10	9403.40.40	9406.00.40
9109.11.60	9203.00.80	9305.29.20	9403.40.60	9406.00.80
9109.19.10	9204.10.40	9305.29.40	9403.40.90	9501.00.40
9109.19.20	9204.10.80	9305.29.50	9403.50.40	9501.00.60
9109.19.40	9204.20.00	9305.90.10	9403.50.60	9502.10.20
9109.19.60	9205.10.00	9305.90.20	9403.50.90	9502.10.40
9109.90.20	9205.90.40	9305.90.30	9403.60.40	9502.10.60
9109.90.40	9205.90.60	9305.90.40	9403.60.80	9502.10.80
9109.90.60	9206.00.20	9305.90.50	9403.70.40	9502.91.00
9110.12.00	9206.00.60	9305.90.60	9403.70.80	9502.99.10
9110.19.00	9206.00.80	9306.10.00	9403.80.30	9502.99.20
9110.90.20	9207.10.00	9306.21.00	9403.80.60	9503.10.00
9110.90.40	9207.90.00	9306.29.00	9403.90.10	9503.20.00
9110.90.60	9208.10.00	9306.30.40	9403.90.25	9503.30.40
9111.10.00	9208.90.00	9306.30.80	9403.90.40	9503.30.80
9111.20.20	9209.10.00	9306.90.00	9403.90.50	9503.41.10
9111.20.40	9209.20.00	9307.00.00	9403.90.60	9503.41.20
9111.80.00	9209.30.00	9401.10.40	9403.90.70	9503.41.30
9111.90.40	9209.91.40	9401.10.80	9403.90.80	9503.49.00
9111.90.50	9209.91.80	9401.30.40	9404.10.00	9503.50.00
9111.90.70	9209.92.20	9401.30.80	9404.21.00	9503.60.20
9112.10.00	9209.92.40	9401.40.00	9404.29.90	9503.70.60
9112.80.00	9209.92.60	9401.50.00	9404.30.40	9503.70.80
9112.90.00	9209.92.80	9401.61.20	9404.30.80	9503.80.20
9113.10.00	9209.93.80	9401.61.40	9404.90.20	9503.80.40
9113.20.20	9209.94.40	9401.61.60	9405.10.40	9503.80.60
9113.20.60	9209.94.80	9401.69.20	9405.10.60	9503.80.80
9113.20.90	9209.99.10	9401.69.40	9405.10.80	9503.90.50
9113.90.40	9209.99.40	9401.69.60	9405.20.40	9503.90.60
9113.90.80	9209.99.60	9401.69.80	9405.20.60	9503.90.70
9114.10.40	9209.99.80	9401.71.00	9405.20.80	9504.10.00
9114.10.80	9301.00.30	9401.79.00	9405.30.00	9504.20.20
9114.30.80	9301.00.60	9401.80.20	9405.40.40	9504.20.60

Annex III (con.)
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Section (A)(1)(a). (con.):

9504.20.80	9506.62.80	9602.00.40	9608.20.00	9615.90.20
9504.30.00	9506.69.20	9602.00.50	9608.40.40	9615.90.30
9504.40.00	9506.69.40	9603.10.10	9608.40.80	9615.90.40
9504.90.40	9506.69.60	9603.10.25	9608.60.00	9615.90.60
9504.90.60	9506.70.40	9603.10.30	9608.99.20	9616.10.00
9504.90.90	9506.70.60	9603.10.40	9608.99.30	9617.00.10
9505.10.10	9506.91.00	9603.10.50	9608.99.40	9617.00.30
9505.10.15	9506.99.05	9603.10.90	9608.99.60	9617.00.40
9505.10.25	9506.99.08	9603.21.00	9609.20.40	9617.00.60
9505.10.30	9506.99.12	9603.29.40	9609.90.80	9618.00.00
9505.10.40	9506.99.15	9603.29.80	9610.00.00	9801.00.70
9505.10.50	9506.99.20	9603.30.20	9611.00.00	9801.00.80
9505.90.20	9506.99.30	9603.30.40	9612.10.10	9802.00.40
9505.90.40	9506.99.45	9603.30.60	9613.10.00	9804.00.60
9505.90.60	9506.99.50	9603.40.20	9613.20.00	9812.00.20
9506.11.20	9506.99.55	9603.40.40	9613.30.00	9812.00.40
9506.11.40	9506.99.60	9603.50.00	9613.80.20	9813.00.05
9506.11.60	9507.10.00	9603.90.40	9613.80.40	9813.00.10
9506.12.40	9507.20.40	9603.90.80	9613.80.60	9813.00.15
9506.12.80	9507.20.80	9604.00.00	9613.80.80	9813.00.20
9506.19.40	9507.30.20	9605.00.00	9613.90.40	9813.00.25
9506.19.80	9507.30.40	9606.10.40	9613.90.80	9813.00.30
9506.21.40	9507.30.60	9606.10.80	9614.20.40	9813.00.35
9506.21.80	9507.30.80	9606.21.20	9614.20.60	9813.00.40
9506.29.00	9507.90.20	9606.21.40	9614.20.80	9813.00.45
9506.31.00	9507.90.40	9606.21.60	9614.90.40	9813.00.50
9506.32.00	9507.90.60	9606.22.00	9614.90.80	9813.00.55
9506.39.00	9507.90.70	9606.29.20	9615.11.10	9813.00.60
9506.40.00	9507.90.80	9606.29.40	9615.11.20	9813.00.65
9506.51.20	9508.00.00	9606.29.60	9615.11.30	9813.00.70
9506.51.40	9601.10.00	9606.30.80	9615.11.40	9813.00.75
9506.51.60	9601.90.20	9607.11.00	9615.11.50	9814.00.50
9506.59.40	9601.90.40	9607.19.00	9615.19.20	
9506.59.80	9601.90.80	9607.20.00	9615.19.40	
9506.61.00	9602.00.10	9608.10.00	9615.19.60	

(b). For the following subheadings, in the Rates of Duty 1 Special subcolumn, insert a "Free" rate of duty followed by the symbol "MX" in parentheses:

5101.11.10	5105.21.00	5108.10.60	5204.19.00	5208.39.20
5101.19.10	5105.29.00	5108.20.30	5204.20.00	5208.53.00
5101.21.10	5105.30.00	5108.20.60	5208.13.00	5208.59.20
5101.21.60	5106.10.00	5109.10.40	5208.19.20	5209.12.00
5101.29.10	5107.10.00	5109.10.60	5208.23.00	5209.22.00
5101.30.60	5107.20.00	5109.90.40	5208.29.20	5209.32.00
5105.10.00	5108.10.30	5204.11.00	5208.33.00	5209.52.00

Annex III (con.)
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Section (A)(1)(b). (con.):

5210.12.00	5402.49.00	6101.30.10	6201.93.35	6204.63.15
5210.19.20	5402.51.00	6101.30.20	6202.12.10	6204.69.10
5210.22.00	5407.41.00	6103.43.15	6202.13.10	6206.30.20
5210.29.20	5407.51.00	6103.49.10	6202.13.40	6211.11.10
5210.32.00	5407.52.05	6109.90.10	6202.92.10	6211.12.10
5210.39.20	5407.52.20	6110.30.10	6202.93.10	6213.20.10
5210.52.00	5407.54.00	6110.30.30	6202.93.50	6213.20.20
5210.59.20	5506.30.00	6112.31.00	6203.42.10	6216.00.54
5211.12.00	5508.10.00	6114.30.20	6203.43.10	6216.00.58
5211.22.00	5508.20.00	6116.91.00	6203.43.25	6216.00.80
5211.32.00	5512.21.00	6116.93.64	6203.43.40	6303.11.00
5211.52.00	5512.29.00	6116.93.74	6203.49.15	6303.12.00
5309.21.20	5601.30.00	6201.12.10	6203.49.20	6303.91.00
5309.29.20	5602.10.10	6201.13.10	6204.33.20	6406.10.77
5311.00.20	5602.90.30	6201.13.40	6204.62.10	9802.00.50
5401.10.00	5804.21.00	6201.92.10	6204.63.10	
5401.20.00	5806.39.10	6201.93.10	6204.63.12	

(c). The Rates of Duty 1 Special subcolumn is modified by inserting in such subcolumn, for each of the provisions listed in column A below, the phrase in column B opposite such provision.

Column A	Column B
0401.30.10	See 9906.04.01-9906.04.03 (MX)
0401.30.30	See 9906.04.01-9906.04.03 (MX)
0401.30.40	See 9906.04.04-9906.04.06 (MX)
0402.10.00	See 9906.04.07-9906.04.13 (MX)
0402.21.20	See 9906.04.14-9906.04.16 (MX)
0402.21.40	See 9906.04.17-9906.04.19 (MX)
0402.21.60	See 9906.04.20-9906.04.22 (MX)
0402.29.00	See 9906.04.23-9906.04.25 (MX)
0402.91.20	See 9906.04.26-9906.04.28 (MX)
0402.91.40	See 9906.04.26-9906.04.28 (MX)
0402.99.20	See 9906.04.29-9906.04.31 (MX)
0402.99.40	See 9906.04.29-9906.04.31 (MX)
0402.99.60	See 9906.04.29-9906.04.31 (MX)
0403.10.00	See 9906.04.32-9906.04.35 (MX)
0403.90.10	See 9906.04.36-9906.04.38 (MX)
0403.90.15	See 9906.04.36-9906.04.38 (MX)
0403.90.40	See 9906.04.39-9906.04.41 (MX)
0403.90.50	See 9906.04.42-9906.04.44 (MX)
0403.90.60	See 9906.04.45-9906.04.47 (MX)
0403.90.70	See 9906.04.48-9906.04.50 (MX)
0403.90.75	See 9906.04.48-9906.04.50 (MX)
0403.90.80	See 9906.04.51-9906.04.54 (MX)
0404.10.07	See 9906.04.55-9906.04.58 (MX)

Annex III (con.)
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Section (A)(1)(c). (con.):

0404.10.09	See 9906.04.55-9906.04.57, 9906.04.59 (MX)
0404.10.40	See 9906.04.60-9906.04.66 (MX)
0404.90.20	See 9906.04.67-9906.04.69 (MX)
0404.90.45	See 9906.04.70-9906.04.73 (MX)
0404.90.65	See 9906.04.70-9906.04.72, 9906.04.74 (MX)
0405.00.70	See 9906.04.75-9906.04.77 (MX)
0405.00.75	See 9906.04.75-9906.04.77 (MX)
0405.00.80	See 9906.04.78-9906.04.80 (MX)
0406.10.10	See 9906.04.81-9906.04.82 (MX)
0406.10.50	See 9906.04.83-9906.05.10 (MX)
0406.20.20	See 9906.05.11-9906.05.13 (MX)
0406.20.30	See 9906.05.14-9906.05.16 (MX)
0406.20.35	See 9906.05.14-9906.05.16 (MX)
0406.20.40	See 9906.05.17-9906.05.22 (MX)
0406.20.50	See 9906.05.23-9906.05.26 (MX)
0406.20.60	See 9906.05.27-9906.05.49 (MX)
0406.30.10	See 9906.05.50-9906.05.52 (MX)
0406.30.20	See 9906.05.53-9906.05.55 (MX)
0406.30.30	See 9906.05.53-9906.05.55 (MX)
0406.30.40	See 9906.05.56-9906.05.58 (MX)
0406.30.50	See 9906.05.59-9906.05.61 (MX)
0406.30.60	See 9906.05.62-9906.05.85 (MX)
0406.40.60	See 9906.05.86-9906.05.88 (MX)
0406.40.80	See 9906.05.86-9906.05.88 (MX)
0406.90.10	See 9906.05.89-9906.05.91 (MX)
0406.90.15	See 9906.05.92-9906.05.94 (MX)
0406.90.30	See 9906.05.95-9906.05.98 (MX)
0406.90.35	See 9906.05.99-9906.06.04 (MX)
0406.90.40	See 9906.06.05-9906.06.11 (MX)
0406.90.45	See 9906.06.12-9906.06.15 (MX)
0406.90.65	See 9906.06.16-9906.06.18 (MX)
0406.90.70	See 9906.06.19-9906.06.21 (MX)
0406.90.80	See 9906.06.22-9906.06.40 (MX)
0702.00.20	See 9906.07.01-9906.07.05 (MX)
0702.00.60	See 9906.07.06-9906.07.09 (MX)
0703.10.40	See 9906.07.11-9906.07.13 (MX)
0704.10.40	See 9906.07.14-9906.07.16 (MX)
0704.20.00	See 9906.07.17-9906.07.18 (MX)
0704.90.40	See 9906.07.19-9906.07.22 (MX)
0705.11.40	See 9906.07.23-9906.07.24 (MX)
0705.19.40	See 9906.07.25-9906.07.26 (MX)
0707.00.50	See 9906.07.27-9906.07.28 (MX)
0708.20.90	See 9906.07.29-9906.07.30 (MX)
0709.20.90	See 9906.07.31-9906.07.34 (MX)
0709.30.20	See 9906.07.35-9906.07.38 (MX)
0709.40.60	See 9906.07.39-9906.07.40 (MX)
0709.60.00	See 9906.07.41-9906.07.45 (MX)

Annex III (con.)
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Section (A)(1)(c). (con.):

0709.90.20	See 9906.07.46-9906.07.48 (MX)
0709.90.40	See 9906.07.49-9906.07.53 (MX)
0710.80.97	See 9906.07.54-9906.07.55 (MX)
0711.20.25	See 9906.07.56-9906.07.57 (MX)
0804.50.60	See 9906.08.01-9906.08.02 (MX)
0805.10.00	See 9906.08.03-9906.08.04 (MX)
0805.20.00	See 9906.08.05-9906.08.06 (MX)
0807.10.20	See 9906.08.07-9906.08.08 (MX)
0807.10.40	See 9906.08.09-9906.08.11 (MX)
0807.10.70	See 9906.08.12-9906.08.13 (MX)
1202.10.00	See 9906.12.01-9906.12.03 (MX)
1202.20.00	See 9906.12.04-9906.12.06 (MX)
1517.90.40	See 9906.15.01-9906.15.04 (MX)
1701.11.03	See 9906.17.01-9906.17.02 (MX)
1701.12.02	See 9906.17.01-9906.17.02 (MX)
1701.91.22	See 9906.17.01-9906.17.02 (MX)
1701.91.40	See 9906.17.03-9906.17.06 (MX)
1701.99.02	See 9906.17.01-9906.17.02 (MX)
1702.20.20	See 9906.17.07-9906.17.10 (MX)
1702.30.20	See 9906.17.07-9906.17.10 (MX)
1702.40.00	See 9906.17.11-9906.17.15 (MX)
1702.60.00	See 9906.17.11-9906.17.15 (MX)
1702.90.32	See 9906.17.16-9906.17.17 (MX)
1702.90.50	See 9906.17.18-9906.17.24 (MX)
1704.90.40	See 9906.17.25-9906.17.28 (MX)
1704.90.60	See 9906.17.29-9906.17.38 (MX)
1806.10.20	See 9906.18.01-9906.18.03 (MX)
1806.10.30	See 9906.18.04-9906.18.10 (MX)
1806.10.42	See 9906.18.11-9906.18.12 (MX)
1806.20.40	See 9906.18.13-9906.18.16 (MX)
1806.20.70	See 9906.18.17-9906.18.23 (MX)
1806.20.80	See 9906.18.24-9906.18.33 (MX)
1806.32.20	See 9906.18.34-9906.18.37 (MX)
1806.32.40	See 9906.18.34-9906.18.37 (MX)
1806.90.00	See 9906.18.38-9906.18.50 (MX)
2005.70.15	See 9906.20.01-9906.20.02 (MX)
2009.11.00	See 9906.20.06-9906.20.07 (MX)
2009.19.25	See 9906.20.08-9906.20.09 (MX)
2101.10.40	See 9906.21.01-9906.21.10 (MX)
2101.20.40	See 9906.21.01-9906.21.10 (MX)
2103.90.60	See 9906.21.11-9906.21.18 (MX)
2105.00.00	See 9906.21.19-9906.21.25 (MX)
2106.90.05	See 9906.21.26-9906.21.28 (MX)
2106.90.12	See 9906.21.29-9906.21.30 (MX)
2106.90.16	See 9906.21.35-9906.21.36 (MX)
2202.90.20	See 9906.22.01-9906.22.03 (MX)
2202.90.30	See 9906.22.04-9906.22.05 (MX)

Annex III (con.)
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Section (A)(1)(c). (con.):

3823.90.45	See 9906.38.03-9906.38.04 (MX)
5201.00.10	See 9906.52.01, 9906.52.05-9906.52.07 (MX)
5201.00.20	See 9906.52.01, 9906.52.05-9906.52.07 (MX)
5201.00.50	See 9906.52.05-9906.52.07 (MX)
5202.99.00	See 9906.52.01-9906.52.04 (MX)
5203.00.00	See 9906.52.01, 9906.52.05-9906.52.07 (MX)
6110.20.10	See 9906.61.11-9906.61.12 (MX)
6110.20.20	See 9906.61.13-9906.61.14 (MX)
6110.90.00	See 9906.61.15-9906.61.18 (MX)
6114.20.00	See 9906.61.22-9906.61.23 (MX)
6114.30.30	See 9906.61.24-9906.61.25 (MX)
6208.92.00	See 9906.62.07-9906.62.08 (MX)
6211.42.00	See 9906.62.12-9906.62.17 (MX)
6402.19.10	See 9906.64.01-9906.64.03 (MX)
8704.10.50	See 9906.87.01-9906.87.02 (MX)
8704.21.00	See 9906.87.03-9906.87.04 (MX)
8704.22.50	See 9906.87.01-9906.87.02 (MX)
8704.23.00	See 9906.87.01-9906.87.02 (MX)
8704.31.00	See 9906.87.03-9906.87.04 (MX)
8704.32.00	See 9906.87.01-9906.87.02 (MX)
8704.90.00	See 9906.87.01-9906.87.02 (MX)
9603.10.60	See 9906.96.01-9906.96.02 (MX)

(d). Additional U.S. note 4 to chapter 9 is modified by inserting "or Mexico" after "of Canada".

(e). For subheadings 5810.91.00 and 5810.99.00, in the Rates of Duty 1 Special subcolumn, insert in the parentheses following "See additional U.S. note 1" the symbol "MX" in alphabetical order.

(f). For subheading 5810.92.00, in the Rates of Duty 1 Special subcolumn, delete "See additional U.S. note 1 (CA)" and insert "See additional U.S. note 2 (CA,MX)" in lieu thereof.

(g). For the following subheadings, in the Rates of Duty 1 Special subcolumn, insert in the parentheses following the rate of duty in such subcolumn the symbol "MX" in alphabetical order:

6103.21.00	6104.21.00	6203.21.00	6204.22.30	9802.00.80
6103.22.00	6104.22.00	6203.22.30	6204.23.00	
6103.23.00	6104.23.00	6203.29.20	6204.29.20	
6103.29.10	6104.29.10	6204.21.00	9802.00.60	

Annex III (con.)
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Section (A)(1). (con.):

(h). For the following subheadings, in the Rates of Duty 1 Special subcolumn, insert in the parentheses following "The rate applicable to each garment in the ensemble if separately entered" the symbol "MX" in alphabetical order:

6103.29.20	6203.29.30
6104.29.20	6204.29.40
6203.23.00	

(i). For the following provisions, in the Rates of Duty 1 Special subcolumn, insert in the parentheses following "The rate of duty applicable to that article in the set subject to the highest rate of duty" the symbol "MX" in alphabetical order:

8206.00.00	8215.10.00
8211.10.00	8215.20.00

(j). For subheading 9110.11.00, in the Rates of Duty 1 Special subcolumn, insert in the parentheses following "The rate applicable to the complete, assembled movement" the symbol "MX" in alphabetical order.

(k). For subheading 9608.50.00, in the Rates of Duty 1 Special subcolumn, insert in the parentheses following "The rate applicable to each article in the absence of this subheading" the symbol "MX" in alphabetical order.

(2). Effective with respect to articles both: (i) imported on or after January 1, 1976, and (ii) entered, or withdrawn from warehouse for consumption, on or after January 1, 1994, or if the NAFTA does not enter into force on January 1, 1994, on or after such later date as the NAFTA enters into force, the Rates of Duty 1 Special subcolumn for the following provisions is modified by (i) deleting the symbol "A*" in parentheses, and inserting the symbol "A" in lieu thereof.

0702.00.60	0709.90.05	2202.10.00	7008.00.00	8471.99.34	8544.51.80
0703.20.00	0709.90.20	2203.00.00	7202.11.10	8481.80.90	8548.00.00
0704.10.40	0804.50.60	3902.10.00	7202.19.50	8501.40.40	8708.21.00
0704.10.60	0807.10.20	3917.33.00	7314.19.00	8501.40.60	8713.10.00
0704.20.00	0807.10.70	3920.71.00	7320.10.30	8512.40.40	8716.39.00
0705.11.40	0807.20.00	3926.90.87	7321.11.30	8512.90.20	9006.99.00
0705.19.40	0810.10.40	4804.31.60	7322.90.00	8516.10.00	9022.29.40
0707.00.20	0810.90.40	4818.50.00	7323.94.00	8516.80.80	9026.80.60
0707.00.40	0811.10.00	4820.90.00	7401.10.00	8522.10.00	9032.89.60
0708.10.40	1901.90.90	6210.10.20	8415.82.00	8523.11.00	9401.20.00
0709.30.20	1905.90.90	6307.90.60	8424.20.10	8535.40.00	9403.90.60
0709.30.40	2001.90.39	6810.11.00	8428.90.00	8536.61.00	9405.91.30
0709.60.00	2005.90.55	6905.10.00	8431.42.00	8539.90.00	9613.80.20

Annex III (con.)
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Section (B). Effective with respect to goods of Mexico, under terms of general note 12 to the tariff schedule, entered, or withdrawn from warehouse for consumption, on or after January 1, 1994, or if the NAFTA does not enter into force on January 1, 1994, on or after such later date as the NAFTA enters into force, and on January 1 of each of the successive years, for each of the enumerated subheadings in the following table, the Rates of Duty 1 Special subcolumn in the HTS is modified (i) by inserting in such subcolumn for each subheading the rate of duty specified for such subheading in the 1994 column followed by the symbol "MX" in parentheses, and (ii) for each of the subsequent dated columns the rates of duty that are followed by the symbol "MX" in parentheses are deleted and the rates of duty for such dated column are inserted in such subheadings in lieu thereof.

Subheading	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
0304.10.10	3.7¢/kg	3.3¢/kg	2.8¢/kg	2.4¢/kg	2¢/kg	1.6¢/kg	1.2¢/kg	0.8¢/kg	0.4¢/kg	Free	Free	Free	Free	Free	Free
0304.20.30	3.7¢/kg	3.3¢/kg	2.8¢/kg	2.4¢/kg	2¢/kg	1.6¢/kg	1.2¢/kg	0.8¢/kg	0.4¢/kg	Free	Free	Free	Free	Free	Free
0305.30.20	3.2%	2.4%	1.6%	0.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
0305.30.40	4%	3%	2%	1%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
0406.20.10	9%	8%	7%	6%	5%	4%	3%	2%	1%	Free	Free	Free	Free	Free	Free
0406.20.55	13.5%	12%	10.5%	9%	7.5%	6%	4.5%	3%	1.5%	Free	Free	Free	Free	Free	Free
0406.30.55	13.5%	12%	10.5%	9%	7.5%	6%	4.5%	3%	1.5%	Free	Free	Free	Free	Free	Free
0406.40.20	5.4%	4.8%	4.2%	3.6%	3%	2.4%	1.8%	1.2%	0.6%	Free	Free	Free	Free	Free	Free
0406.40.40	9%	8%	7%	6%	5%	4%	3%	2%	1%	Free	Free	Free	Free	Free	Free
0406.90.05	7.6%	6.8%	5.9%	5.1%	4.2%	3.4%	2.5%	1.7%	0.8%	Free	Free	Free	Free	Free	Free
0406.90.20	5.8%	5.2%	4.5%	3.9%	3.2%	2.6%	1.9%	1.3%	0.6%	Free	Free	Free	Free	Free	Free
0406.90.25	9%	8%	7%	6%	5%	4%	3%	2%	1%	Free	Free	Free	Free	Free	Free
0406.90.60	13.5%	12%	10.5%	9%	7.5%	6%	4.5%	3%	1.5%	Free	Free	Free	Free	Free	Free
0603.10.60	6.4%	4.8%	3.2%	1.6%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
0701.90.50	0.6¢/kg	0.4¢/kg	0.3¢/kg	0.1¢/kg	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
0702.00.40	2.6¢/kg	1.9¢/kg	1.3¢/kg	0.6¢/kg	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
0703.90.00	14.4%	10.8%	7.2%	3.6%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
0704.10.60	11.2%	10%	8.7%	7.5%	6.2%	5%	3.7%	2.5%	1.2%	Free	Free	Free	Free	Free	Free
0706.10.20	0.8¢/kg	0.6¢/kg	0.4¢/kg	0.2¢/kg	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
0706.90.40	10%	7.5%	5%	2.5%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
0707.00.40	6.1¢/kg	5.7¢/kg	5.2¢/kg	4.8¢/kg	4.4¢/kg	3.9¢/kg	3.5¢/kg	3¢/kg	2.6¢/kg	2.2¢/kg	1.7¢/kg	1.3¢/kg	0.8¢/kg	0.4¢/kg	Free
0708.90.40	6.1¢/kg	4.6¢/kg	3¢/kg	1.5¢/kg	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
0709.40.20	11.2%	10%	8.7%	7.5%	6.2%	5%	3.7%	2.5%	1.2%	Free	Free	Free	Free	Free	Free
0709.51.00	7.2¢/kg + 16.6%	6.4¢/kg + 14.8%	5.6¢/kg + 12.9%	4.8¢/kg + 11.1%	4¢/kg + 9.2%	3.2¢/kg + 7.4%	2.4¢/kg + 5.5%	1.6¢/kg + 3.7%	0.8¢/kg + 1.8%	Free	Free	Free	Free	Free	Free
0709.70.00	14.4%	10.8%	7.2%	3.6%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
0710.10.00	14%	10.5%	7%	3.5%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
0710.22.37	6.1¢/kg	4.6¢/kg	3¢/kg	1.5¢/kg	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
0710.22.40	14%	10.5%	7%	3.5%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
0710.29.40	6.1¢/kg	4.6¢/kg	3¢/kg	1.5¢/kg	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
0710.40.00	14%	10.5%	7%	3.5%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
0710.80.20	6.3¢/kg + 9%	5.6¢/kg + 8%	4.9¢/kg + 7%	4.2¢/kg + 6%	3.5¢/kg + 5%	2.8¢/kg + 4%	2.1¢/kg + 3%	1.4¢/kg + 2%	0.7¢/kg + 1%	Free	Free	Free	Free	Free	Free
0710.80.85	15.7%	14%	12.2%	10.5%	8.7%	7%	5.2%	3.5%	1.7%	Free	Free	Free	Free	Free	Free
0710.90.90	14%	10.5%	7%	3.5%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free

Annex III (con.)
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Section (B). (con.)

Subheading	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
0711.20.40	9.7¢/kg on drained weight	8.6¢/kg on drained weight	7.5¢/kg on drained weight	6.4¢/kg on drained weight	5.4¢/kg on drained weight	4.3¢/kg on drained weight	3.2¢/kg on drained weight	2.1¢/kg on drained weight	1¢/kg on drained weight	Free	Free	Free	Free	Free	Free
0711.90.40	5.6¢/kg on drained weight + 8%	4.2¢/kg on drained weight + 6%	2.8¢/kg on drained weight + 4%	1.4¢/kg on drained weight + 2%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
0712.10.00	2.3¢/kg	1.7¢/kg	1.1¢/kg	0.5¢/kg	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
0712.20.20	32.6%	30.3%	28%	25.6%	23.3%	21%	18.6%	16.3%	14%	11.6%	9.3%	7%	4.6%	2.3%	Free
0712.20.40	23.3%	21.6%	20%	18.3%	16.6%	15%	13.3%	11.6%	10%	8.3%	6.6%	5%	3.3%	1.6%	Free
0712.30.20	2.3¢/kg + 3.2%	1.7¢/kg + 2.4%	1.1¢/kg + 1.6%	0.5¢/kg + 0.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
0712.90.20	4.4¢/kg	3.3¢/kg	2.2¢/kg	1.1¢/kg	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
0712.90.40	32.6%	30.3%	28%	25.6%	23.3%	21%	18.6%	16.3%	14%	11.6%	9.3%	7%	4.6%	2.3%	Free
0714.90.40	22.5%	20%	17.5%	15%	12.5%	10%	7.5%	5%	2.5%	Free	Free	Free	Free	Free	Free
0804.10.20	13.2¢/kg	9.9¢/kg	6.6¢/kg	3.3¢/kg	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
0804.10.80	28%	21%	14%	7%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
0804.20.80	8.8¢/kg	6.6¢/kg	4.4¢/kg	2.2¢/kg	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
0804.40.00	11.8¢/kg	10.5¢/kg	9.2¢/kg	7.9¢/kg	6.6¢/kg	5.2¢/kg	3.9¢/kg	2.6¢/kg	1.3¢/kg	Free	Free	Free	Free	Free	Free
0805.30.20	2.4¢/kg	2.2¢/kg	1.9¢/kg	1.6¢/kg	1.3¢/kg	1.1¢/kg	0.8¢/kg	0.5¢/kg	0.2¢/kg	Free	Free	Free	Free	Free	Free
0805.30.40	1.9¢/kg	1.7¢/kg	1.5¢/kg	1.3¢/kg	1.1¢/kg	0.8¢/kg	0.6¢/kg	0.4¢/kg	0.2¢/kg	Free	Free	Free	Free	Free	Free
0805.40.60	1.6¢/kg	1.4¢/kg	1.2¢/kg	1¢/kg	0.9¢/kg	0.7¢/kg	0.5¢/kg	0.3¢/kg	0.1¢/kg	Free	Free	Free	Free	Free	Free
0805.40.80	2.6¢/kg	2.3¢/kg	2¢/kg	1.7¢/kg	1.4¢/kg	1.1¢/kg	0.8¢/kg	0.5¢/kg	0.2¢/kg	Free	Free	Free	Free	Free	Free
0807.10.10	18%	16%	14%	12%	10%	8%	6%	4%	2%	Free	Free	Free	Free	Free	Free
0807.10.80	32.6%	30.3%	28%	25.6%	23.3%	21%	18.6%	16.3%	14%	11.6%	9.3%	7%	4.6%	2.3%	Free
0807.20.00	7.6%	6.8%	5.9%	5.1%	4.2%	3.4%	2.5%	1.7%	0.8%	Free	Free	Free	Free	Free	Free
0810.90.40	2.7%	2%	1.3%	0.6%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
0811.10.00	12.6%	11.2%	9.8%	8.4%	7%	5.6%	4.2%	2.8%	1.4%	Free	Free	Free	Free	Free	Free
0811.90.22	12.6%	11.2%	9.8%	8.4%	7%	5.6%	4.2%	2.8%	1.4%	Free	Free	Free	Free	Free	Free
0811.90.40	15.7%	14%	12.2%	10.5%	8.7%	7%	5.2%	3.5%	1.7%	Free	Free	Free	Free	Free	Free
0811.90.80	13.6%	10.2%	6.8%	3.4%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
0812.10.00	16.7¢/kg	12.5¢/kg	8.3¢/kg	4.1¢/kg	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
0812.90.10	14%	10.5%	7%	3.5%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
0812.90.20	1.7¢/kg	1.3¢/kg	0.8¢/kg	0.4¢/kg	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
0812.90.30	2.9¢/kg	2.6¢/kg	2.3¢/kg	1.9¢/kg	1.6¢/kg	1.3¢/kg	0.9¢/kg	0.6¢/kg	0.3¢/kg	Free	Free	Free	Free	Free	Free
0904.20.40	9.9¢/kg	8.8¢/kg	7.7¢/kg	6.6¢/kg	5.5¢/kg	4.4¢/kg	3.3¢/kg	2.2¢/kg	1.1¢/kg	Free	Free	Free	Free	Free	Free
1001.10.00	0.6¢/kg	0.6¢/kg	0.5¢/kg	0.4¢/kg	0.3¢/kg	0.3¢/kg	0.2¢/kg	0.1¢/kg	Free	Free	Free	Free	Free	Free	Free
1001.90.20	0.6¢/kg	0.4¢/kg	0.3¢/kg	0.1¢/kg	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
1006.10.00	2.5¢/kg	2.2¢/kg	1.9¢/kg	1.6¢/kg	1.4¢/kg	1.1¢/kg	0.8¢/kg	0.5¢/kg	0.2¢/kg	Free	Free	Free	Free	Free	Free
1006.20.20	1.1¢/kg	1¢/kg	0.9¢/kg	0.7¢/kg	0.6¢/kg	0.5¢/kg	0.3¢/kg	0.2¢/kg	0.1¢/kg	Free	Free	Free	Free	Free	Free
1006.20.40	2.9¢/kg	2.6¢/kg	2.3¢/kg	1.9¢/kg	1.6¢/kg	1.3¢/kg	0.9¢/kg	0.6¢/kg	0.3¢/kg	Free	Free	Free	Free	Free	Free
1006.30.90	1.9¢/kg	1.7¢/kg	1.5¢/kg	1.3¢/kg	1.1¢/kg	0.8¢/kg	0.6¢/kg	0.4¢/kg	0.2¢/kg	Free	Free	Free	Free	Free	Free
1006.40.00	0.6¢/kg	0.5¢/kg	0.4¢/kg	0.4¢/kg	0.3¢/kg	0.2¢/kg	0.2¢/kg	0.1¢/kg	Free	Free	Free	Free	Free	Free	Free
1108.13.00	0.7¢/kg	0.5¢/kg	0.3¢/kg	0.1¢/kg	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
1212.91.00	70.5¢/t	52.9¢/t	35.2¢/t	17.6¢/t	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free

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Section (B). (con.)

Subheading	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
1302.13.00	$1.584/kg	$1.188/kg	79.2¢/kg	39.6¢/kg	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
1302.20.00	4%	3%	2%	1%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
1302.39.00	4%	3%	2%	1%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
1401.90.20	5.4%	4%	2.7%	1.3%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
1507.10.00	18%	13.5%	9%	4.5%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
1507.90.40	18%	13.5%	9%	4.5%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
1512.11.00	1.6¢/kg + 3.2%	1.2¢/kg + 2.4%	0.8¢/kg + 1.6%	0.4¢/kg + 0.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
1512.19.00	1.6¢/kg + 3.2%	1.2¢/kg + 2.4%	0.8¢/kg + 1.6%	0.4¢/kg + 0.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
1512.21.00	5.2¢/kg	3.9¢/kg	2.6¢/kg	1.3¢/kg	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
1512.29.00	5.2¢/kg	3.9¢/kg	2.6¢/kg	1.3¢/kg	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
1604.13.10	3.6%	3.2%	2.8%	2.4%	2%	1.6%	1.2%	0.8%	0.4%	Free	Free	Free	Free	Free	Free
1604.13.20	13.5%	12%	10.5%	9%	7.5%	6%	4.5%	3%	1.5%	Free	Free	Free	Free	Free	Free
1604.13.30	18%	16%	14%	12%	10%	8%	6%	4%	2%	Free	Free	Free	Free	Free	Free
1604.14.10	32.6%	30.3%	28%	25.6%	23.3%	21%	18.6%	16.3%	14%	11.6%	9.3%	7%	4.6%	2.3%	Free
1604.14.20	5.6%	5.2%	4.8%	4.4%	4%	3.6%	3.2%	2.8%	2.4%	2%	1.6%	1.2%	0.8%	0.4%	Free
1604.14.30	11.6%	10.8%	10%	9.1%	8.3%	7.5%	6.6%	5.8%	5%	4.1%	3.3%	2.5%	1.6%	0.8%	Free
1604.14.40	1¢/kg	0.9¢/kg	0.8¢/kg	0.8¢/kg	0.7¢/kg	0.6¢/kg	0.5¢/kg	0.5¢/kg	0.4¢/kg	0.3¢/kg	0.2¢/kg	0.2¢/kg	0.1¢/kg	Free	Free
1604.14.70	4.4%	3.9%	3.4%	2.9%	2.4%	1.9%	1.4%	0.9%	0.4%	Free	Free	Free	Free	Free	Free
1604.14.80	5.4%	4.8%	4.2%	3.6%	3%	2.4%	1.8%	1.2%	0.6%	Free	Free	Free	Free	Free	Free
1604.19.10	4.8%	3.6%	2.4%	1.2%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
1604.19.25	6%	4.5%	3%	1.5%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
1604.19.40	8%	6%	4%	2%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
1604.19.50	12%	9%	6%	3%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
1604.20.15	5.2%	3.9%	2.6%	1.3%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
1604.20.25	4.8%	3.6%	2.4%	1.2%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
1604.20.30	0.6%	0.4%	0.3%	0.1%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
1604.20.40	8%	6%	4%	2%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
1604.20.50	12%	9%	6%	3%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
1604.20.60	4.8%	3.6%	2.4%	1.2%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
1702.50.00	13.5%	12%	10.5%	9%	7.5%	6%	4.5%	3%	1.5%	Free	Free	Free	Free	Free	Free
1704.90.10	5.6%	4.2%	2.8%	1.4%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
1901.90.20	12%	9%	6%	3%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
1901.90.90	9%	8%	7%	6%	5%	4%	3%	2%	1%	Free	Free	Free	Free	Free	Free
2001.90.20	7.2%	6.4%	5.6%	4.8%	4%	3.2%	2.4%	1.6%	0.8%	Free	Free	Free	Free	Free	Free
2001.90.35	8.5%	7.6%	6.6%	5.7%	4.7%	3.8%	2.8%	1.9%	0.9%	Free	Free	Free	Free	Free	Free
2001.90.39	9.6%	7.2%	4.8%	2.4%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
2001.90.60	15.7%	14%	12.2%	10.5%	8.7%	7%	5.2%	3.5%	1.7%	Free	Free	Free	Free	Free	Free
2002.10.00	13.2%	11.7%	10.2%	8.8%	7.3%	5.8%	4.4%	2.9%	1.4%	Free	Free	Free	Free	Free	Free
2002.90.00	10.3%	9.2%	8%	6.9%	5.7%	4.6%	3.4%	2.3%	1.1%	Free	Free	Free	Free	Free	Free
2003.10.00	6.3¢/kg on drained weight + 9%	5.6¢/kg on drained weight + 8%	4.9¢/kg on drained weight + 7%	4.2¢/kg on drained weight + 6%	3.5¢/kg on drained weight + 5%	2.8¢/kg on drained weight + 4%	2.1¢/kg on drained weight + 3%	1.4¢/kg on drained weight + 2%	0.7¢/kg on drained weight + 1%	Free	Free	Free	Free	Free	Free

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Section (B). (con.)

Subheading	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
2004.10.80	8%	6%	4%	2%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
2004.90.90	15.7%	14%	12.2%	10.5%	8.7%	7%	5.2%	3.5%	1.7%	Free	Free	Free	Free	Free	Free
2005.30.00	6%	4.5%	3%	1.5%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
2005.60.00	15.7%	14%	12.2%	10.5%	8.7%	7%	5.2%	3.5%	1.7%	Free	Free	Free	Free	Free	Free
2005.70.11	4.8¢/kg on drained weight	4.3¢/kg on drained weight	3.7¢/kg on drained weight	3.2¢/kg on drained weight	2.7¢/kg on drained weight	2.1¢/kg on drained weight	1.6¢/kg on drained weight	1¢/kg on drained weight	0.5¢/kg on drained weight	Free	Free	Free	Free	Free	Free
2005.70.13	3.3¢/kg on drained weight	2.9¢/kg on drained weight	2.5¢/kg on drained weight	2.2¢/kg on drained weight	1.8¢/kg on drained weight	1.4¢/kg on drained weight	1.1¢/kg on drained weight	0.7¢/kg on drained weight	0.3¢/kg on drained weight	Free	Free	Free	Free	Free	Free
2005.70.21	4.8¢/kg on drained weight	4.3¢/kg on drained weight	3.7¢/kg on drained weight	3.2¢/kg on drained weight	2.7¢/kg on drained weight	2.1¢/kg on drained weight	1.6¢/kg on drained weight	1¢/kg on drained weight	0.5¢/kg on drained weight	Free	Free	Free	Free	Free	Free
2005.70.22	9.7¢/kg on drained weight	8.6¢/kg on drained weight	7.5¢/kg on drained weight	6.4¢/kg on drained weight	5.4¢/kg on drained weight	4.3¢/kg on drained weight	3.2¢/kg on drained weight	2.1¢/kg on drained weight	1¢/kg on drained weight	Free	Free	Free	Free	Free	Free
2005.70.25	9.7¢/kg on drained weight	8.6¢/kg on drained weight	7.5¢/kg on drained weight	6.4¢/kg on drained weight	5.4¢/kg on drained weight	4.3¢/kg on drained weight	3.2¢/kg on drained weight	2.1¢/kg on drained weight	1¢/kg on drained weight	Free	Free	Free	Free	Free	Free
2005.70.50	10.4¢/kg on drained weight	9.2¢/kg on drained weight	8.1¢/kg on drained weight	6.9¢/kg on drained weight	5.8¢/kg on drained weight	4.6¢/kg on drained weight	3.4¢/kg on drained weight	2.3¢/kg on drained weight	1.1¢/kg on drained weight	Free	Free	Free	Free	Free	Free
2005.70.60	10.7¢/kg on drained weight	9.5¢/kg on drained weight	8.3¢/kg on drained weight	7.1¢/kg on drained weight	5.9¢/kg on drained weight	4.7¢/kg on drained weight	3.5¢/kg on drained weight	2.3¢/kg on drained weight	1.1¢/kg on drained weight	Free	Free	Free	Free	Free	Free
2005.70.70	10.4¢/kg on drained weight	9.2¢/kg on drained weight	8.1¢/kg on drained weight	6.9¢/kg on drained weight	5.8¢/kg on drained weight	4.6¢/kg on drained weight	3.4¢/kg on drained weight	2.3¢/kg on drained weight	1.1¢/kg on drained weight	Free	Free	Free	Free	Free	Free
2005.70.75	4.5¢/kg on drained weight	4¢/kg on drained weight	3.5¢/kg on drained weight	3¢/kg on drained weight	2.5¢/kg on drained weight	2¢/kg on drained weight	1.5¢/kg on drained weight	1¢/kg on drained weight	0.5¢/kg on drained weight	Free	Free	Free	Free	Free	Free
2005.70.81	4.9¢/kg on drained weight	4.4¢/kg on drained weight	3.8¢/kg on drained weight	3.3¢/kg on drained weight	2.7¢/kg on drained weight	2.2¢/kg on drained weight	1.6¢/kg on drained weight	1.1¢/kg on drained weight	0.5¢/kg on drained weight	Free	Free	Free	Free	Free	Free
2005.70.83	9.9¢/kg on drained weight	8.8¢/kg on drained weight	7.7¢/kg on drained weight	6.6¢/kg on drained weight	5.5¢/kg on drained weight	4.4¢/kg on drained weight	3.3¢/kg on drained weight	2.2¢/kg on drained weight	1.1¢/kg on drained weight	Free	Free	Free	Free	Free	Free
2005.90.50	8.5%	7.6%	6.6%	5.7%	4.7%	3.8%	2.8%	1.9%	0.9%	Free	Free	Free	Free	Free	Free
2005.90.55	15.7%	14%	12.2%	10.5%	8.7%	7%	5.2%	3.5%	1.7%	Free	Free	Free	Free	Free	Free
2005.90.80	15.7%	14%	12.2%	10.5%	8.7%	7%	5.2%	3.5%	1.7%	Free	Free	Free	Free	Free	Free
2006.00.20	12.3¢/kg + 8%	9.2¢/kg + 6%	6.1¢/kg + 4%	3¢/kg + 2%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
2006.00.40	2.7%	2%	1.3%	0.6%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
2006.00.50	16%	12%	8%	4%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
2006.00.60	6¢/kg	4.5¢/kg	3¢/kg	1.5¢/kg	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
2007.10.00	12%	9%	6%	3%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
2007.91.10	15.7%	14%	12.2%	10.5%	8.7%	7%	5.2%	3.5%	1.7%	Free	Free	Free	Free	Free	Free

Annex III (con.)
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Section (B). (con.)

Subheading	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
2007.99.15	2.4%	1.8%	1.2%	0.6%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
2007.99.35	5.6%	4.2%	2.8%	1.4%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
2007.99.55	14%	10.5%	7%	3.5%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
2007.99.60	13.5%	12%	10.5%	9%	7.5%	6%	4.5%	3%	1.5%	Free	Free	Free	Free	Free	Free
2007.99.65	11.2%	10%	8.7%	7.5%	6.2%	5%	3.7%	2.5%	1.2%	Free	Free	Free	Free	Free	Free
2007.99.70	2.4%	1.8%	1.2%	0.6%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
2008.11.10	5.9¢/kg	5.2¢/kg	4.6¢/kg	3.9¢/kg	3.3¢/kg	2.6¢/kg	1.9¢/kg	1.3¢/kg	0.6¢/kg	Free	Free	Free	Free	Free	Free
2008.19.50	8%	6%	4%	2%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
2008.19.85	22.4%	16.8%	11.2%	5.6%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
2008.30.20	5.2¢/kg	3.9¢/kg	2.6¢/kg	1.3¢/kg	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
2008.30.30	14¢/kg	10.5¢/kg	7¢/kg	3.5¢/kg	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
2008.30.35	15.7%	14%	12.2%	10.5%	8.7%	7%	5.2%	3.5%	1.7%	Free	Free	Free	Free	Free	Free
2008.30.40	1.9¢/kg	1.7¢/kg	1.5¢/kg	1.3¢/kg	1.1¢/kg	0.8¢/kg	0.6¢/kg	0.4¢/kg	0.2¢/kg	Free	Free	Free	Free	Free	Free
2008.30.55	1.7¢/kg	1.3¢/kg	0.8¢/kg	0.4¢/kg	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
2008.30.65	15.7%	14%	12.2%	10.5%	8.7%	7%	5.2%	3.5%	1.7%	Free	Free	Free	Free	Free	Free
2008.30.70	1¢/kg	0.7¢/kg	0.5¢/kg	0.2¢/kg	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
2008.30.85	15.7%	14%	12.2%	10.5%	8.7%	7%	5.2%	3.5%	1.7%	Free	Free	Free	Free	Free	Free
2008.40.00	14.4%	10.8%	7.2%	3.6%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
2008.50.20	10%	7.5%	5%	2.5%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
2008.70.00	13.5%	12%	10.5%	9%	7.5%	6%	4.5%	3%	1.5%	Free	Free	Free	Free	Free	Free
2008.80.00	11.2%	8.4%	5.6%	2.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
2008.92.10	6.3%	5.6%	4.9%	4.2%	3.5%	2.8%	2.1%	1.4%	0.7%	Free	Free	Free	Free	Free	Free
2008.92.90	14%	10.5%	7%	3.5%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
2008.99.10	11.8¢/kg	10.5¢/kg	9.2¢/kg	7.9¢/kg	6.6¢/kg	5.2¢/kg	3.9¢/kg	2.6¢/kg	1.3¢/kg	Free	Free	Free	Free	Free	Free
2008.99.25	28%	21%	14%	7%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
2008.99.42	18%	16%	14%	12%	10%	8%	6%	4%	2%	Free	Free	Free	Free	Free	Free
2008.99.60	15.7%	14%	12.2%	10.5%	8.7%	7%	5.2%	3.5%	1.7%	Free	Free	Free	Free	Free	Free
2009.19.45	8.6¢/liter	8¢/liter	7.4¢/liter	6.7¢/liter	6.1¢/liter	5.5¢/liter	4.9¢/liter	4.3¢/liter	3.7¢/liter	3¢/liter	2.4¢/liter	1.8¢/liter	1.2¢/liter	0.6¢/liter	Free
2009.20.20	4.7¢/liter	4.2¢/liter	3.7¢/liter	3.1¢/liter	2.6¢/liter	2.1¢/liter	1.5¢/liter	1¢/liter	0.5¢/liter	Free	Free	Free	Free	Free	Free
2009.20.40	8.3¢/liter	7.4¢/liter	6.4¢/liter	5.5¢/liter	4.6¢/liter	3.7¢/liter	2.7¢/liter	1.8¢/liter	0.9¢/liter	Free	Free	Free	Free	Free	Free
2009.30.40	4.7¢/liter	4.2¢/liter	3.7¢/liter	3.1¢/liter	2.6¢/liter	2.1¢/liter	1.5¢/liter	1¢/liter	0.5¢/liter	Free	Free	Free	Free	Free	Free
2009.30.60	8.3¢/liter	7.4¢/liter	6.4¢/liter	5.5¢/liter	4.6¢/liter	3.7¢/liter	2.7¢/liter	1.8¢/liter	0.9¢/liter	Free	Free	Free	Free	Free	Free
2009.40.20	4.7¢/liter	4.2¢/liter	3.7¢/liter	3.1¢/liter	2.6¢/liter	2.1¢/liter	1.5¢/liter	1¢/liter	0.5¢/liter	Free	Free	Free	Free	Free	Free
2009.40.40	1¢/liter	0.7¢/liter	0.5¢/liter	0.2¢/liter	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
2009.60.00	5.9¢/liter	5.2¢/liter	4.6¢/liter	3.9¢/liter	3.3¢/liter	2.6¢/liter	1.9¢/liter	1.3¢/liter	0.6¢/liter	Free	Free	Free	Free	Free	Free
2009.80.40	0.8¢/liter	0.6¢/liter	0.4¢/liter	0.2¢/liter	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
2009.90.40	8.3¢/liter	7.4¢/liter	6.4¢/liter	5.5¢/liter	4.6¢/liter	3.7¢/liter	2.7¢/liter	1.8¢/liter	0.9¢/liter	Free	Free	Free	Free	Free	Free
2103.20.40	12.2%	10.8%	9.5%	8.1%	6.8%	5.4%	4%	2.7%	1.3%	Free	Free	Free	Free	Free	Free
2202.10.00	0.2¢/liter	0.2¢/liter	0.2¢/liter	0.1¢/liter	0.1¢/liter	0.1¢/liter	Free	Free	Free	Free	Free	Free	Free	Free	Free
2202.90.10	16%	12%	8%	4%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
2202.90.35	8.6¢/liter	8¢/liter	7.4¢/liter	6.7¢/liter	6.1¢/liter	5.5¢/liter	4.9¢/liter	4.3¢/liter	3.7¢/liter	3¢/liter	2.4¢/liter	1.8¢/liter	1.2¢/liter	0.6¢/liter	Free
2203.00.00	1.2¢/liter	1.2¢/liter	1.1¢/liter	0.9¢/liter	0.8¢/liter	0.6¢/liter	0.4¢/liter	Free	Free	Free	Free	Free	Free	Free	Free
2204.21.30	8.9¢/liter	7.9¢/liter	6.9¢/liter	5.9¢/liter	4.9¢/liter	3.9¢/liter	2.9¢/liter	1.9¢/liter	0.9¢/liter	Free	Free	Free	Free	Free	Free

Annex III (con.)
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Section (B). (con.)

Subheading	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
2204.21.50	8.9¢/liter	7.9¢/liter	6.9¢/liter	5.9¢/liter	4.9¢/liter	3.9¢/liter	2.9¢/liter	1.9¢/liter	0.9¢/liter	Free	Free	Free	Free	Free	Free
2204.21.80	21.1¢/liter	15.8¢/liter	10.5¢/liter	5.2¢/liter	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
2204.29.20	8.9¢/liter	7.9¢/liter	6.9¢/liter	5.9¢/liter	4.9¢/liter	3.9¢/liter	2.9¢/liter	1.9¢/liter	0.9¢/liter	Free	Free	Free	Free	Free	Free
2204.29.40	23.7¢/liter	21.1¢/liter	18.4¢/liter	15.8¢/liter	13.2¢/liter	10.5¢/liter	7.9¢/liter	5.2¢/liter	2.6¢/liter	Free	Free	Free	Free	Free	Free
2204.29.60	14.8¢/liter	13.2¢/liter	11.5¢/liter	9.9¢/liter	8.2¢/liter	6.6¢/liter	4.9¢/liter	3.3¢/liter	1.6¢/liter	Free	Free	Free	Free	Free	Free
2204.29.80	23.7¢/liter	21.1¢/liter	18.4¢/liter	15.8¢/liter	13.2¢/liter	10.5¢/liter	7.9¢/liter	5.2¢/liter	2.6¢/liter	Free	Free	Free	Free	Free	Free
2207.10.60	2.7%	2.4%	2.1%	1.8%	1.5%	1.2%	0.9%	0.6%	0.3%	Free	Free	Free	Free	Free	Free
2207.20.00	2.7%	2.4%	2.1%	1.8%	1.5%	1.2%	0.9%	0.6%	0.3%	Free	Free	Free	Free	Free	Free
2208.40.00	33.3¢/pf. liter	29.6¢/pf. liter	25.9¢/pf. liter	22.2¢/pf. liter	18.5¢/pf. liter	14.8¢/pf. liter	11.1¢/pf. liter	7.4¢/pf. liter	3.7¢/pf. liter	Free	Free	Free	Free	Free	Free
2401.10.40	22.8¢/kg	20.3¢/kg	17.7¢/kg	15.2¢/kg	12.7¢/kg	10.1¢/kg	7.6¢/kg	5¢/kg	2.5¢/kg	Free	Free	Free	Free	Free	Free
2401.10.60	25.2¢/kg	22.4¢/kg	19.6¢/kg	16.8¢/kg	14¢/kg	11.2¢/kg	8.4¢/kg	5.6¢/kg	2.8¢/kg	Free	Free	Free	Free	Free	Free
2401.20.05	$5.805/kg	$5.16/kg	$4.515/kg	$3.87/kg	$3.225/kg	$2.58/kg	$1.935/kg	$1.29/kg	64.5¢/kg	Free	Free	Free	Free	Free	Free
2401.20.30	39.6¢/kg + 83.6¢/kg on wrapper tobacco content	35.2¢/kg + 74.3¢/kg on wrapper tobacco content	30.8¢/kg + 65¢/kg on wrapper tobacco content	26.4¢/kg + 55.7¢/kg on wrapper tobacco content	22¢/kg + 46.4¢/kg on wrapper tobacco content	17.6¢/kg + 37.1¢/kg on wrapper tobacco content	13.2¢/kg + 27.8¢/kg on wrapper tobacco content	8.8¢/kg + 18.5¢/kg on wrapper tobacco content	4.4¢/kg + 9.2¢/kg on wrapper tobacco content	Free	Free	Free	Free	Free	Free
2401.20.60	31.9¢/kg	28.4¢/kg	24.8¢/kg	21.3¢/kg	17.7¢/kg	14.2¢/kg	10.6¢/kg	7.1¢/kg	3.5¢/kg	Free	Free	Free	Free	Free	Free
2401.20.80	39.6¢/kg	35.2¢/kg	30.8¢/kg	26.4¢/kg	22¢/kg	17.6¢/kg	13.2¢/kg	8.8¢/kg	4.4¢/kg	Free	Free	Free	Free	Free	Free
2401.30.60	$1.089/kg	96.8¢/kg	84.7¢/kg	72.6¢/kg	60.5¢/kg	48.4¢/kg	36.3¢/kg	24.2¢/kg	12.1¢/kg	Free	Free	Free	Free	Free	Free
2401.30.90	31.9¢/kg	28.4¢/kg	24.8¢/kg	21.3¢/kg	17.7¢/kg	14.2¢/kg	10.6¢/kg	7.1¢/kg	3.5¢/kg	Free	Free	Free	Free	Free	Free
2402.10.30	$3.789/kg + 9.4%	$3.368/kg + 8.4%	$2.947/kg + 7.3%	$2.526/kg + 6.3%	$2.105/kg + 5.2%	$1.684/kg + 4.2%	$1.263/kg + 3.1%	84.2¢/kg + 2.1%	42.1¢/kg + 1%	Free	Free	Free	Free	Free	Free
2402.10.60	$1.134/kg + 2.7%	$1.008/kg + 2.4%	88.2¢/kg + 2.1%	75.6¢/kg + 1.8%	63¢/kg + 1.5%	50.4¢/kg + 1.2%	37.8¢/kg + 0.9%	25.2¢/kg + 0.6%	12.6¢/kg + 0.3%	Free	Free	Free	Free	Free	Free
2402.20.80	$2.106/kg + 4.5%	$1.872/kg + 4%	$1.638/kg + 3.5%	$1.404/kg + 3%	$1.17/kg + 2.5%	93.6¢/kg + 2%	70.2¢/kg + 1.5%	46.8¢/kg + 1%	23.4¢/kg + 0.5%	Free	Free	Free	Free	Free	Free
2402.90.00	$2.106/kg + 4.5%	$1.872/kg + 4%	$1.638/kg + 3.5%	$1.404/kg + 3%	$1.17/kg + 2.5%	93.6¢/kg + 2%	70.2¢/kg + 1.5%	46.8¢/kg + 1%	23.4¢/kg + 0.5%	Free	Free	Free	Free	Free	Free
2403.10.00	34.7¢/kg	30.8¢/kg	27¢/kg	23.1¢/kg	19.3¢/kg	15.4¢/kg	11.5¢/kg	7.7¢/kg	3.8¢/kg	Free	Free	Free	Free	Free	Free
2403.91.40	39.6¢/kg	35.2¢/kg	30.8¢/kg	26.4¢/kg	22¢/kg	17.6¢/kg	13.2¢/kg	8.8¢/kg	4.4¢/kg	Free	Free	Free	Free	Free	Free
2403.99.00	34.7¢/kg	30.8¢/kg	27¢/kg	23.1¢/kg	19.3¢/kg	15.4¢/kg	11.5¢/kg	7.7¢/kg	3.8¢/kg	Free	Free	Free	Free	Free	Free
2508.20.00	19.6¢/t	14.7¢/t	9.8¢/t	4.9¢/t	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
2519.90.20	$1.86/t	$1.65/t	$1.44/t	$1.24/t	$1.03/t	82.8¢/t	62.1¢/t	41.4¢/t	20.7¢/t	Free	Free	Free	Free	Free	Free
2620.11.00	1.3%	1.2%	1%	0.9%	0.7%	0.6%	0.4%	0.3%	0.1%	Free	Free	Free	Free	Free	Free
2709.00.10	4.7¢/bbl	4.2¢/bbl	3.6¢/bbl	3.1¢/bbl	2.6¢/bbl	2.1¢/bbl	1.5¢/bbl	1¢/bbl	0.5¢/bbl	Free	Free	Free	Free	Free	Free
2709.00.20	9.4¢/bbl	8.4¢/bbl	7.3¢/bbl	6.3¢/bbl	5.2¢/bbl	4.2¢/bbl	3.1¢/bbl	2.1¢/bbl	1¢/bbl	Free	Free	Free	Free	Free	Free
2710.00.05	4.7¢/bbl	4.2¢/bbl	3.6¢/bbl	3.1¢/bbl	2.6¢/bbl	2.1¢/bbl	1.5¢/bbl	1¢/bbl	0.5¢/bbl	Free	Free	Free	Free	Free	Free
2710.00.10	9.4¢/bbl	8.4¢/bbl	7.3¢/bbl	6.3¢/bbl	5.2¢/bbl	4.2¢/bbl	3.1¢/bbl	2.1¢/bbl	1¢/bbl	Free	Free	Free	Free	Free	Free
2710.00.15	47.2¢/bbl	42¢/bbl	36.7¢/bbl	31.5¢/bbl	26.2¢/bbl	21¢/bbl	15.7¢/bbl	10.5¢/bbl	5.2¢/bbl	Free	Free	Free	Free	Free	Free
2710.00.18	47.2¢/bbl	42¢/bbl	36.7¢/bbl	31.5¢/bbl	26.2¢/bbl	21¢/bbl	15.7¢/bbl	10.5¢/bbl	5.2¢/bbl	Free	Free	Free	Free	Free	Free
2710.00.20	9.4¢/bbl	8.4¢/bbl	7.3¢/bbl	6.3¢/bbl	5.2¢/bbl	4.2¢/bbl	3.1¢/bbl	2.1¢/bbl	1¢/bbl	Free	Free	Free	Free	Free	Free
2710.00.25	9.4¢/bbl	8.4¢/bbl	7.3¢/bbl	6.3¢/bbl	5.2¢/bbl	4.2¢/bbl	3.1¢/bbl	2.1¢/bbl	1¢/bbl	Free	Free	Free	Free	Free	Free

Annex III (con.)
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Section (B). (con.)

Subheading	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
2710.00.30	75.6¢/bbl	67.2¢/bbl	58.8¢/bbl	50.4¢/bbl	42¢/bbl	33.6¢/bbl	25.2¢/bbl	16.8¢/bbl	8.4¢/bbl	Free	Free	Free	Free	Free	Free
2710.00.45	9.4¢/bbl	8.4¢/bbl	7.3¢/bbl	6.3¢/bbl	5.2¢/bbl	4.2¢/bbl	3.1¢/bbl	2.1¢/bbl	1¢/bbl	Free	Free	Free	Free	Free	Free
2710.00.60	6.3%	5.6%	4.9%	4.2%	3.5%	2.8%	2.1%	1.4%	0.7%	Free	Free	Free	Free	Free	Free
2804.69.50	7.2%	5.4%	3.6%	1.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
2805.21.00	2.4%	1.8%	1.2%	0.6%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
2805.30.00	56.4¢/kg	42.3¢/kg	28.2¢/kg	14.1¢/kg	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
2825.90.30	9%	8%	7%	6%	5%	4%	3%	2%	1%	Free	Free	Free	Free	Free	Free
2827.39.40	8%	6%	4%	2%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
2841.80.00	9%	8%	7%	6%	5%	4%	3%	2%	1%	Free	Free	Free	Free	Free	Free
2843.10.00	4.8%	3.6%	2.4%	1.2%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
2844.10.50	4%	3%	2%	1%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
2850.00.10	9%	8%	7%	6%	5%	4%	3%	2%	1%	Free	Free	Free	Free	Free	Free
2901.10.40	4.5%	4%	3.5%	3%	2.5%	2%	1.5%	1%	0.5%	Free	Free	Free	Free	Free	Free
2901.10.50	3.3%	2.9%	2.5%	2.2%	1.8%	1.4%	1.1%	0.7%	0.3%	Free	Free	Free	Free	Free	Free
2901.24.20	2.9%	2.2%	1.4%	0.7%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
2901.24.50	4%	3%	2%	1%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
2901.29.10	4.5%	4%	3.5%	3%	2.5%	2%	1.5%	1%	0.5%	Free	Free	Free	Free	Free	Free
2901.29.50	2.9%	2.2%	1.4%	0.7%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
2902.60.00	0.9¢/kg + 15.5%	0.8¢/kg + 13.8%	0.7¢/kg + 12.1%	0.6¢/kg + 10.3%	0.5¢/kg + 8.6%	0.4¢/kg + 6.9%	0.3¢/kg + 5.1%	0.2¢/kg + 3.4%	0.1¢/kg + 1.7%	Free	Free	Free	Free	Free	Free
2902.90.30	0.9¢/kg + 15.5%	0.8¢/kg + 13.8%	0.7¢/kg + 12.1%	0.6¢/kg + 10.3%	0.5¢/kg + 8.6%	0.4¢/kg + 6.9%	0.3¢/kg + 5.1%	0.2¢/kg + 3.4%	0.1¢/kg + 1.7%	Free	Free	Free	Free	Free	Free
2902.90.40	9.3%	8.3%	7.2%	6.2%	5.2%	4.1%	3.1%	2%	1%	Free	Free	Free	Free	Free	Free
2902.90.60	9.3%	8.3%	7.2%	6.2%	5.2%	4.1%	3.1%	2%	1%	Free	Free	Free	Free	Free	Free
2902.90.90	9.3%	8.3%	7.2%	6.2%	5.2%	4.1%	3.1%	2%	1%	Free	Free	Free	Free	Free	Free
2903.61.20	13.6%	12.1%	10.6%	9.1%	7.6%	6%	4.5%	3%	1.5%	Free	Free	Free	Free	Free	Free
2903.69.60	8.1%	7.2%	6.3%	5.4%	4.5%	3.6%	2.7%	1.8%	0.9%	Free	Free	Free	Free	Free	Free
2904.20.10	6.4%	5.7%	5%	4.3%	3.6%	2.8%	2.1%	1.4%	0.7%	Free	Free	Free	Free	Free	Free
2904.20.35	2.6¢/kg + 11.2%	2.3¢/kg + 10%	2¢/kg + 8.7%	1.7¢/kg + 7.5%	1.4¢/kg + 6.2%	1.1¢/kg + 5%	0.8¢/kg + 3.7%	0.5¢/kg + 2.5%	0.2¢/kg + 1.2%	Free	Free	Free	Free	Free	Free
2904.90.08	8%	6%	4%	2%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
2904.90.35	13.5%	12%	10.5%	9%	7.5%	6%	4.5%	3%	1.5%	Free	Free	Free	Free	Free	Free
2904.90.47	2.9¢/kg + 12.7%	2.2¢/kg + 9.5%	1.4¢/kg + 6.3%	0.7¢/kg + 3.1%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
2905.17.00	4.5%	4%	3.5%	3%	2.5%	2%	1.5%	1%	0.5%	Free	Free	Free	Free	Free	Free
2906.21.00	5.9%	5.2%	4.6%	3.9%	3.3%	2.6%	1.9%	1.3%	0.6%	Free	Free	Free	Free	Free	Free
2906.29.50	5.7%	4.3%	2.8%	1.4%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
2907.13.00	8.8%	6.6%	4.4%	2.2%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
2907.19.20	9.9%	8.8%	7.7%	6.6%	5.5%	4.4%	3.3%	2.2%	1.1%	Free	Free	Free	Free	Free	Free
2907.22.50	6.4%	5.7%	5%	4.3%	3.6%	2.8%	2.1%	1.4%	0.7%	Free	Free	Free	Free	Free	Free
2907.23.00	3.3¢/kg + 13.7%	2.9¢/kg + 10.9%	2.5¢/kg + 9.5%	2.2¢/kg + 8.2%	1.8¢/kg + 6.8%	1.4¢/kg + 5.4%	1.1¢/kg + 4.1%	0.7¢/kg + 2.7%	0.3¢/kg + 1.3%	Free	Free	Free	Free	Free	Free
2907.30.00	6.4%	5.7%	5%	4.3%	3.6%	2.8%	2.1%	1.4%	0.7%	Free	Free	Free	Free	Free	Free
2908.10.35	10.8%	8.1%	5.4%	2.7%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free

Annex III (con.)
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Section (B). (con.)

Subheading	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
2909.30.40	10.8%	8.1%	5.4%	2.7%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
2909.30.50	18%	16%	14%	12%	10%	8%	6%	4%	2%	Free	Free	Free	Free	Free	Free
2909.49.10	12.1%	10.8%	9.4%	8.1%	6.7%	5.4%	4%	2.7%	1.3%	Free	Free	Free	Free	Free	Free
2909.49.15	18%	16%	14%	12%	10%	8%	6%	4%	2%	Free	Free	Free	Free	Free	Free
2909.50.10	5.5%	4.1%	2.7%	1.3%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
2909.50.45	12.1%	10.8%	9.4%	8.1%	6.7%	5.4%	4%	2.7%	1.3%	Free	Free	Free	Free	Free	Free
2909.50.50	18%	16%	14%	12%	10%	8%	6%	4%	2%	Free	Free	Free	Free	Free	Free
2909.60.10	12.1%	10.8%	9.4%	8.1%	6.7%	5.4%	4%	2.7%	1.3%	Free	Free	Free	Free	Free	Free
2909.60.20	16%	12%	8%	4%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
2912.21.00	8.1%	7.2%	6.3%	5.4%	4.5%	3.6%	2.7%	1.8%	0.9%	Free	Free	Free	Free	Free	Free
2914.11.10	0.1¢/kg + 16.8%	0.1¢/kg + 14.9%	0.1¢/kg + 13%	0.1¢/kg + 11.2%	0.1¢/kg + 9.3%	7.4%	5.6%	3.7%	1.8%	Free	Free	Free	Free	Free	Free
2914.49.20	9.9%	8.8%	7.7%	6.6%	5.5%	4.4%	3.3%	2.2%	1.1%	Free	Free	Free	Free	Free	Free
2914.49.40	9.9%	8.8%	7.7%	6.6%	5.5%	4.4%	3.3%	2.2%	1.1%	Free	Free	Free	Free	Free	Free
2914.50.20	8.8%	6.6%	4.4%	2.2%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
2915.39.30	10.8%	8.1%	5.4%	2.7%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
2915.39.35	2.9¢/kg + 14.3%	2.2¢/kg + 10.7%	1.4¢/kg + 7.1%	0.7¢/kg + 3.5%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
2915.90.14	3.7%	3.3%	2.9%	2.5%	2.1%	1.6%	1.2%	0.8%	0.4%	Free	Free	Free	Free	Free	Free
2915.90.18	3.7%	3.3%	2.9%	2.5%	2.1%	1.6%	1.2%	0.8%	0.4%	Free	Free	Free	Free	Free	Free
2916.11.00	3.7%	3.3%	2.9%	2.5%	2.1%	1.6%	1.2%	0.8%	0.4%	Free	Free	Free	Free	Free	Free
2916.15.10	4.4¢/kg + 4.5%	3.9¢/kg + 4%	3.4¢/kg + 3.5%	2.9¢/kg + 3%	2.4¢/kg + 2.5%	1.9¢/kg + 2%	1.4¢/kg + 1.5%	0.9¢/kg + 1%	0.4¢/kg + 0.5%	Free	Free	Free	Free	Free	Free
2916.31.30	12.1%	10.8%	9.4%	8.1%	6.7%	5.4%	4%	2.7%	1.3%	Free	Free	Free	Free	Free	Free
2916.31.50	3.3¢/kg + 16.1%	2.9¢/kg + 14.3%	2.5¢/kg + 12.5%	2.2¢/kg + 10.7%	1.8¢/kg + 8.9%	1.4¢/kg + 7.1%	1.1¢/kg + 5.3%	0.7¢/kg + 3.5%	0.3¢/kg + 1.7%	Free	Free	Free	Free	Free	Free
2916.32.10	3.3¢/kg + 16.1%	2.9¢/kg + 14.3%	2.5¢/kg + 12.5%	2.2¢/kg + 10.7%	1.8¢/kg + 8.9%	1.4¢/kg + 7.1%	1.1¢/kg + 5.3%	0.7¢/kg + 3.5%	0.3¢/kg + 1.7%	Free	Free	Free	Free	Free	Free
2916.32.20	7.1%	6.3%	5.5%	4.7%	3.9%	3.1%	2.3%	1.5%	0.7%	Free	Free	Free	Free	Free	Free
2916.39.04	6%	5.3%	4.6%	4%	3.3%	2.6%	2%	1.3%	0.6%	Free	Free	Free	Free	Free	Free
2916.39.06	3.3¢/kg + 16.1%	2.9¢/kg + 14.3%	2.5¢/kg + 12.5%	2.2¢/kg + 10.7%	1.8¢/kg + 8.9%	1.4¢/kg + 7.1%	1.1¢/kg + 5.3%	0.7¢/kg + 3.5%	0.3¢/kg + 1.7%	Free	Free	Free	Free	Free	Free
2916.39.40	12.1%	10.8%	9.4%	8.1%	6.7%	5.4%	4%	2.7%	1.3%	Free	Free	Free	Free	Free	Free
2916.39.70	3.3¢/kg + 16.1%	2.9¢/kg + 14.3%	2.5¢/kg + 12.5%	2.2¢/kg + 10.7%	1.8¢/kg + 8.9%	1.4¢/kg + 7.1%	1.1¢/kg + 5.3%	0.7¢/kg + 3.5%	0.3¢/kg + 1.7%	Free	Free	Free	Free	Free	Free
2917.12.10	0.1¢/kg + 17.8%	0.1¢/kg + 15.8%	0.1¢/kg + 13.8%	0.1¢/kg + 11.8%	0.1¢/kg + 9.9%	7.9%	5.9%	3.9%	1.9%	Free	Free	Free	Free	Free	Free
2917.12.50	12.1%	10.8%	9.4%	8.1%	6.7%	5.4%	4%	2.7%	1.3%	Free	Free	Free	Free	Free	Free
2917.19.10	6.2%	5.5%	4.8%	4.1%	3.4%	2.7%	2%	1.3%	0.6%	Free	Free	Free	Free	Free	Free
2917.19.27	3.3¢/kg + 15.1%	2.9¢/kg + 13.4%	2.5¢/kg + 11.7%	2.2¢/kg + 10%	1.8¢/kg + 8.4%	1.4¢/kg + 6.7%	1.1¢/kg + 5%	0.7¢/kg + 3.3%	0.3¢/kg + 1.6%	Free	Free	Free	Free	Free	Free
2917.20.00	3.7%	3.3%	2.9%	2.5%	2.1%	1.6%	1.2%	0.8%	0.4%	Free	Free	Free	Free	Free	Free
2917.36.00	3.3¢/kg + 16.1%	2.9¢/kg + 14.3%	2.5¢/kg + 12.5%	2.2¢/kg + 10.7%	1.8¢/kg + 8.9%	1.4¢/kg + 7.1%	1.1¢/kg + 5.3%	0.7¢/kg + 3.5%	0.3¢/kg + 1.7%	Free	Free	Free	Free	Free	Free
2917.39.50	18%	16%	14%	12%	10%	8%	6%	4%	2%	Free	Free	Free	Free	Free	Free

Annex III (con.)
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Section (B). (con.)

Subheading	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
2918.21.50	3.3¢/kg + 16.1%	2.9¢/kg + 14.3%	2.5¢/kg + 12.5%	2.2¢/kg + 10.7%	1.8¢/kg + 8.9%	1.4¢/kg + 7.1%	1.1¢/kg + 5.3%	0.7¢/kg + 3.5%	0.3¢/kg + 1.7%	Free	Free	Free	Free	Free	Free
2918.23.30	12.1%	10.8%	9.4%	8.1%	6.7%	5.4%	4%	2.7%	1.3%	Free	Free	Free	Free	Free	Free
2918.23.50	3.3¢/kg + 16.1%	2.9¢/kg + 14.3%	2.5¢/kg + 12.5%	2.2¢/kg + 10.7%	1.8¢/kg + 8.9%	1.4¢/kg + 7.1%	1.1¢/kg + 5.3%	0.7¢/kg + 3.5%	0.3¢/kg + 1.7%	Free	Free	Free	Free	Free	Free
2918.29.10	5.2%	4.6%	4%	3.4%	2.9%	2.3%	1.7%	1.1%	0.5%	Free	Free	Free	Free	Free	Free
2918.29.25	3.3¢/kg + 16.1%	2.9¢/kg + 14.3%	2.5¢/kg + 12.5%	2.2¢/kg + 10.7%	1.8¢/kg + 8.9%	1.4¢/kg + 7.1%	1.1¢/kg + 5.3%	0.7¢/kg + 3.5%	0.3¢/kg + 1.7%	Free	Free	Free	Free	Free	Free
2918.29.80	3.3¢/kg + 16.1%	2.9¢/kg + 14.3%	2.5¢/kg + 12.5%	2.2¢/kg + 10.7%	1.8¢/kg + 8.9%	1.4¢/kg + 7.1%	1.1¢/kg + 5.3%	0.7¢/kg + 3.5%	0.3¢/kg + 1.7%	Free	Free	Free	Free	Free	Free
2918.90.05	5.2%	4.6%	4%	3.4%	2.9%	2.3%	1.7%	1.1%	0.5%	Free	Free	Free	Free	Free	Free
2918.90.40	12.1%	10.8%	9.4%	8.1%	6.7%	5.4%	4%	2.7%	1.3%	Free	Free	Free	Free	Free	Free
2918.90.45	3.3¢/kg + 16.1%	2.9¢/kg + 14.3%	2.5¢/kg + 12.5%	2.2¢/kg + 10.7%	1.8¢/kg + 8.9%	1.4¢/kg + 7.1%	1.1¢/kg + 5.3%	0.7¢/kg + 3.5%	0.3¢/kg + 1.7%	Free	Free	Free	Free	Free	Free
2920.90.20	5.7%	4.3%	2.8%	1.4%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
2921.22.10	18%	16%	14%	12%	10%	8%	6%	4%	2%	Free	Free	Free	Free	Free	Free
2921.30.10	12.1%	10.8%	9.4%	8.1%	6.7%	5.4%	4%	2.7%	1.3%	Free	Free	Free	Free	Free	Free
2921.30.20	3.3¢/kg + 15.1%	2.9¢/kg + 13.4%	2.5¢/kg + 11.7%	2.2¢/kg + 10%	1.8¢/kg + 8.4%	1.4¢/kg + 6.7%	1.1¢/kg + 5%	0.7¢/kg + 3.3%	0.3¢/kg + 1.6%	Free	Free	Free	Free	Free	Free
2921.41.10	3.3¢/kg + 12.2%	2.9¢/kg + 10.8%	2.5¢/kg + 9.5%	2.2¢/kg + 8.1%	1.8¢/kg + 6.8%	1.4¢/kg + 5.4%	1.1¢/kg + 4%	0.7¢/kg + 2.7%	0.3¢/kg + 1.3%	Free	Free	Free	Free	Free	Free
2921.41.20	2.1¢/kg + 16.9%	1.9¢/kg + 15%	1.6¢/kg + 13.1%	1.4¢/kg + 11.2%	1.2¢/kg + 9.4%	0.9¢/kg + 7.5%	0.7¢/kg + 5.6%	0.4¢/kg + 3.7%	0.2¢/kg + 1.8%	Free	Free	Free	Free	Free	Free
2921.42.10	11.1%	9.9%	8.6%	7.4%	6.2%	4.9%	3.7%	2.4%	1.2%	Free	Free	Free	Free	Free	Free
2921.42.15	2.1¢/kg + 16.9%	1.9¢/kg + 15%	1.6¢/kg + 13.1%	1.4¢/kg + 11.2%	1.2¢/kg + 9.4%	0.9¢/kg + 7.5%	0.7¢/kg + 5.6%	0.4¢/kg + 3.7%	0.2¢/kg + 1.8%	Free	Free	Free	Free	Free	Free
2921.42.75	2.1¢/kg + 16.9%	1.9¢/kg + 15%	1.6¢/kg + 13.1%	1.4¢/kg + 11.2%	1.2¢/kg + 9.4%	0.9¢/kg + 7.5%	0.7¢/kg + 5.6%	0.4¢/kg + 3.7%	0.2¢/kg + 1.8%	Free	Free	Free	Free	Free	Free
2921.43.15	12.1%	10.8%	9.4%	8.1%	6.7%	5.4%	4%	2.7%	1.3%	Free	Free	Free	Free	Free	Free
2921.43.20	12.1%	10.8%	9.4%	8.1%	6.7%	5.4%	4%	2.7%	1.3%	Free	Free	Free	Free	Free	Free
2921.43.60	2.1¢/kg + 16.9%	1.9¢/kg + 15%	1.6¢/kg + 13.1%	1.4¢/kg + 11.2%	1.2¢/kg + 9.4%	0.9¢/kg + 7.5%	0.7¢/kg + 5.6%	0.4¢/kg + 3.7%	0.2¢/kg + 1.8%	Free	Free	Free	Free	Free	Free
2921.44.10	6.3%	5.6%	4.9%	4.2%	3.5%	2.8%	2.1%	1.4%	0.7%	Free	Free	Free	Free	Free	Free
2921.44.20	12.1%	10.8%	9.4%	8.1%	6.7%	5.4%	4%	2.7%	1.3%	Free	Free	Free	Free	Free	Free
2921.44.50	2.1¢/kg + 16.9%	1.9¢/kg + 15%	1.6¢/kg + 13.1%	1.4¢/kg + 11.2%	1.2¢/kg + 9.4%	0.9¢/kg + 7.5%	0.7¢/kg + 5.6%	0.4¢/kg + 3.7%	0.2¢/kg + 1.8%	Free	Free	Free	Free	Free	Free
2921.49.50	2.1¢/kg + 16.9%	1.9¢/kg + 15%	1.6¢/kg + 13.1%	1.4¢/kg + 11.2%	1.2¢/kg + 9.4%	0.9¢/kg + 7.5%	0.7¢/kg + 5.6%	0.4¢/kg + 3.7%	0.2¢/kg + 1.8%	Free	Free	Free	Free	Free	Free
2921.59.20	9.4%	8.4%	7.3%	6.3%	5.2%	4.2%	3.1%	2.1%	1%	Free	Free	Free	Free	Free	Free
2921.59.50	2.1¢/kg + 16.9%	1.9¢/kg + 15%	1.6¢/kg + 13.1%	1.4¢/kg + 11.2%	1.2¢/kg + 9.4%	0.9¢/kg + 7.5%	0.7¢/kg + 5.6%	0.4¢/kg + 3.7%	0.2¢/kg + 1.8%	Free	Free	Free	Free	Free	Free
2922.29.35	12.1%	10.8%	9.4%	8.1%	6.7%	5.4%	4%	2.7%	1.3%	Free	Free	Free	Free	Free	Free
2922.30.18	3.3¢/kg + 14%	2.9¢/kg + 12.4%	2.5¢/kg + 10.9%	2.2¢/kg + 9.3%	1.8¢/kg + 7.8%	1.4¢/kg + 6.2%	1.1¢/kg + 4.6%	0.7¢/kg + 3.1%	0.3¢/kg + 1.5%	Free	Free	Free	Free	Free	Free
2922.30.35	3.3¢/kg + 14%	2.9¢/kg + 12.4%	2.5¢/kg + 10.9%	2.2¢/kg + 9.3%	1.8¢/kg + 7.8%	1.4¢/kg + 6.2%	1.1¢/kg + 4.6%	0.7¢/kg + 3.1%	0.3¢/kg + 1.5%	Free	Free	Free	Free	Free	Free

Annex III (con.)
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Section (B). (con.)

Subheading	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
2922.49.15	6.3%	5.6%	4.9%	4.2%	3.5%	2.8%	2.1%	1.4%	0.7%	Free	Free	Free	Free	Free	Free
2922.49.25	6.3%	5.6%	4.9%	4.2%	3.5%	2.8%	2.1%	1.4%	0.7%	Free	Free	Free	Free	Free	Free
2922.50.30	12.1%	10.8%	9.4%	8.1%	6.7%	5.4%	4%	2.7%	1.3%	Free	Free	Free	Free	Free	Free
2922.50.40	3.3¢/kg + 14%	2.9¢/kg + 12.4%	2.5¢/kg + 10.9%	2.2¢/kg + 9.3%	1.8¢/kg + 7.8%	1.4¢/kg + 6.2%	1.1¢/kg + 4.6%	0.7¢/kg + 3.1%	0.3¢/kg + 1.5%	Free	Free	Free	Free	Free	Free
2924.10.50	6.3%	4.7%	3.1%	1.5%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
2924.29.44	10.8%	8.1%	5.4%	2.7%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
2924.29.46	3.3¢/kg + 16.2%	2.9¢/kg + 16.2%	2.5¢/kg + 12.6%	2.2¢/kg + 10.8%	1.8¢/kg + 9%	1.4¢/kg + 7.2%	1.1¢/kg + 5.4%	0.7¢/kg + 3.6%	0.3¢/kg + 1.8%	Free	Free	Free	Free	Free	Free
2925.19.20	13.5%	12%	10.5%	9%	7.5%	6%	4.5%	3%	1.5%	Free	Free	Free	Free	Free	Free
2926.90.04	5.4%	4%	2.7%	1.3%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
2926.90.08	5.4%	4%	2.7%	1.3%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
2926.90.14	10.8%	8.1%	5.4%	2.7%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
2926.90.44	10.8%	8.1%	5.4%	2.7%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
2927.00.50	17.9%	15.9%	13.9%	11.9%	9.9%	7.9%	5.9%	3.9%	1.9%	Free	Free	Free	Free	Free	Free
2929.10.10	6.4%	5.7%	5%	4.3%	3.6%	2.8%	2.1%	1.4%	0.7%	Free	Free	Free	Free	Free	Free
2929.10.60	2.3¢/kg + 12.9%	1.7¢/kg + 9.7%	1.1¢/kg + 6.4%	0.5¢/kg + 3.2%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
2931.00.27	5.9%	5.2%	4.6%	3.9%	3.3%	2.6%	1.9%	1.3%	0.6%	Free	Free	Free	Free	Free	Free
2931.00.30	12.1%	10.8%	9.4%	8.1%	6.7%	5.4%	4%	2.7%	1.3%	Free	Free	Free	Free	Free	Free
2931.00.40	15.9%	14.1%	12.3%	10.6%	8.8%	7%	5.3%	3.5%	1.7%	Free	Free	Free	Free	Free	Free
2932.19.10	5.3%	4%	2.6%	1.3%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
2932.29.20	6.6%	5.9%	5.1%	4.4%	3.7%	2.9%	2.2%	1.4%	0.7%	Free	Free	Free	Free	Free	Free
2932.29.25	3.3¢/kg + 14.5%	2.9¢/kg + 12.9%	2.5¢/kg + 11.3%	2.2¢/kg + 9.7%	1.8¢/kg + 8.1%	1.4¢/kg + 6.4%	1.1¢/kg + 4.8%	0.7¢/kg + 3.2%	0.3¢/kg + 1.6%	Free	Free	Free	Free	Free	Free
2932.29.30	12.1%	10.8%	9.4%	8.1%	6.7%	5.4%	4%	2.7%	1.3%	Free	Free	Free	Free	Free	Free
2932.29.45	3.3¢/kg + 14.5%	2.9¢/kg + 12.9%	2.5¢/kg + 11.3%	2.2¢/kg + 9.7%	1.8¢/kg + 8.1%	1.4¢/kg + 6.4%	1.1¢/kg + 4.8%	0.7¢/kg + 3.2%	0.3¢/kg + 1.6%	Free	Free	Free	Free	Free	Free
2933.29.10	5.2%	4.6%	4%	3.4%	2.9%	2.3%	1.7%	1.1%	0.5%	Free	Free	Free	Free	Free	Free
2933.29.30	12.1%	10.8%	9.4%	8.1%	6.7%	5.4%	4%	2.7%	1.3%	Free	Free	Free	Free	Free	Free
2933.39.15	6.4%	4.8%	3.2%	1.6%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
2933.39.20	4.6%	3.4%	2.3%	1.1%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
2933.39.30	13.2%	9.9%	6.6%	3.3%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
2933.39.37	6.4%	4.8%	3.2%	1.6%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
2933.39.47	10.8%	8.1%	5.4%	2.7%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
2933.39.50	2.9¢/kg + 12.9%	2.2¢/kg + 9.7%	1.4¢/kg + 6.4%	0.7¢/kg + 3.2%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
2933.40.04	7.2%	6.4%	5.6%	4.8%	4%	3.2%	2.4%	1.6%	0.8%	Free	Free	Free	Free	Free	Free
2933.40.08	3.3¢/kg + 14.5%	2.9¢/kg + 12.9%	2.5¢/kg + 11.3%	2.2¢/kg + 9.7%	1.8¢/kg + 8.1%	1.4¢/kg + 6.4%	1.1¢/kg + 4.8%	0.7¢/kg + 3.2%	0.3¢/kg + 1.6%	Free	Free	Free	Free	Free	Free
2933.40.15	5.2%	4.6%	4%	3.4%	2.9%	2.3%	1.7%	1.1%	0.5%	Free	Free	Free	Free	Free	Free
2933.40.20	6%	5.3%	4.6%	4%	3.3%	2.6%	2%	1.3%	0.6%	Free	Free	Free	Free	Free	Free
2933.40.27	7.2%	6.4%	5.6%	4.8%	4%	3.2%	2.4%	1.6%	0.8%	Free	Free	Free	Free	Free	Free
2933.40.45	12.1%	10.8%	9.4%	8.1%	6.7%	5.4%	4%	2.7%	1.3%	Free	Free	Free	Free	Free	Free

Annex III (con.)
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Section (B). (con.)

Subheading	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
2933.40.70	3.3¢/kg + 14.5%	2.9¢/kg + 12.9%	2.5¢/kg + 11.3%	2.2¢/kg + 9.7%	1.8¢/kg + 8.1%	1.4¢/kg + 6.4%	1.1¢/kg + 4.8%	0.7¢/kg + 3.2%	0.3¢/kg + 1.6%	Free	Free	Free	Free	Free	Free
2933.59.25	7.3%	5.5%	3.6%	1.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
2933.59.31	5.3%	4%	2.6%	1.3%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
2933.59.32	5.3%	4%	2.6%	1.3%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
2933.59.36	6.4%	4.8%	3.2%	1.6%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
2933.59.45	13.2%	9.9%	6.6%	3.3%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
2933.59.55	5.5%	4.1%	2.7%	1.3%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
2933.59.70	10.8%	8.1%	5.4%	2.7%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
2933.59.80	2.9¢/kg + 12.9%	2.2¢/kg + 9.7%	1.4¢/kg + 6.4%	0.7¢/kg + 3.2%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
2933.90.10	5.2%	4.6%	4%	3.4%	2.9%	2.3%	1.7%	1.1%	0.5%	Free	Free	Free	Free	Free	Free
2933.90.87	5.6%	5%	4.4%	3.7%	3.1%	2.5%	1.8%	1.2%	0.6%	Free	Free	Free	Free	Free	Free
2934.30.04	5.9%	5.2%	4.6%	3.9%	3.3%	2.6%	1.9%	1.3%	0.6%	Free	Free	Free	Free	Free	Free
2934.30.08	5.9%	5.2%	4.6%	3.9%	3.3%	2.6%	1.9%	1.3%	0.6%	Free	Free	Free	Free	Free	Free
2934.30.15	14.9%	13.2%	11.6%	9.9%	8.3%	6.6%	4.9%	3.3%	1.6%	Free	Free	Free	Free	Free	Free
2934.30.25	14.9%	13.2%	11.6%	9.9%	8.3%	6.6%	4.9%	3.3%	1.6%	Free	Free	Free	Free	Free	Free
2934.30.30	7.3%	6.5%	5.7%	4.9%	4.1%	3.2%	2.4%	1.6%	0.8%	Free	Free	Free	Free	Free	Free
2934.30.40	12.1%	10.8%	9.4%	8.1%	6.7%	5.4%	4%	2.7%	1.3%	Free	Free	Free	Free	Free	Free
2934.30.50	3.3¢/kg + 14.5%	2.9¢/kg + 12.9%	2.5¢/kg + 11.3%	2.2¢/kg + 9.7%	1.8¢/kg + 8.1%	1.4¢/kg + 6.4%	1.1¢/kg + 4.8%	0.7¢/kg + 3.2%	0.3¢/kg + 1.6%	Free	Free	Free	Free	Free	Free
2934.90.05	5.2%	4.6%	4%	3.4%	2.9%	2.3%	1.7%	1.1%	0.5%	Free	Free	Free	Free	Free	Free
2934.90.06	7%	6.2%	5.4%	4.6%	3.9%	3.1%	2.3%	1.5%	0.7%	Free	Free	Free	Free	Free	Free
2934.90.08	3.3¢/kg + 14.5%	2.9¢/kg + 12.9%	2.5¢/kg + 11.3%	2.2¢/kg + 9.7%	1.8¢/kg + 8.1%	1.4¢/kg + 6.4%	1.1¢/kg + 4.8%	0.7¢/kg + 3.2%	0.3¢/kg + 1.6%	Free	Free	Free	Free	Free	Free
2934.90.40	12.1%	10.8%	9.4%	8.1%	6.7%	5.4%	4%	2.7%	1.3%	Free	Free	Free	Free	Free	Free
2934.90.44	3.3¢/kg + 14.5%	2.9¢/kg + 12.9%	2.5¢/kg + 11.3%	2.2¢/kg + 9.7%	1.8¢/kg + 8.1%	1.4¢/kg + 6.4%	1.1¢/kg + 4.8%	0.7¢/kg + 3.2%	0.3¢/kg + 1.6%	Free	Free	Free	Free	Free	Free
2935.00.10	6.1%	5.4%	4.7%	4%	3.4%	2.7%	2%	1.3%	0.6%	Free	Free	Free	Free	Free	Free
2935.00.15	6.6%	5.9%	5.1%	4.4%	3.7%	2.9%	2.2%	1.4%	0.7%	Free	Free	Free	Free	Free	Free
2935.00.35	10.4%	9.2%	8.1%	6.9%	5.8%	4.6%	3.4%	2.3%	1.1%	Free	Free	Free	Free	Free	Free
2935.00.39	9.7%	8.6%	7.5%	6.4%	5.4%	4.3%	3.2%	2.1%	1%	Free	Free	Free	Free	Free	Free
2935.00.53	6.2%	5.5%	4.8%	4.1%	3.4%	2.7%	2%	1.3%	0.6%	Free	Free	Free	Free	Free	Free
2935.00.57	6.2%	5.5%	4.8%	4.1%	3.4%	2.7%	2%	1.3%	0.6%	Free	Free	Free	Free	Free	Free
2935.00.70	12.1%	10.8%	9.4%	8.1%	6.7%	5.4%	4%	2.7%	1.3%	Free	Free	Free	Free	Free	Free
2935.00.90	3.3¢/kg + 16.2%	2.9¢/kg + 16.2%	2.5¢/kg + 12.6%	2.2¢/kg + 10.8%	1.8¢/kg + 9%	1.4¢/kg + 7.2%	1.1¢/kg + 5.4%	0.7¢/kg + 3.6%	0.3¢/kg + 1.8%	Free	Free	Free	Free	Free	Free
2936.23.00	6.2%	4.6%	3.1%	1.5%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
2936.26.00	14.5%	12.9%	11.3%	9.7%	8.1%	6.4%	4.8%	3.2%	1.6%	Free	Free	Free	Free	Free	Free
2936.29.10	5.5%	4.1%	2.7%	1.3%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
2936.29.20	5.5%	4.1%	2.7%	1.3%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
2937.92.10	2.5%	1.9%	1.2%	0.6%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
2937.92.20	5.5%	4.1%	2.7%	1.3%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
2937.92.40	6.9%	5.2%	3.4%	1.7%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free

Annex III (con.)
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Section (B). (con.)

Subheading	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
2937.92.80	6.9%	5.2%	3.4%	1.7%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
2937.99.40	2.8%	2.5%	2.2%	1.9%	1.6%	1.2%	0.9%	0.6%	0.3%	Free	Free	Free	Free	Free	Free
2937.99.80	2.8%	2.5%	2.2%	1.9%	1.6%	1.2%	0.9%	0.6%	0.3%	Free	Free	Free	Free	Free	Free
2941.10.10	6.2%	5.5%	4.8%	4.1%	3.4%	2.7%	2%	1.3%	0.6%	Free	Free	Free	Free	Free	Free
2941.10.30	5.2%	4.6%	4%	3.4%	2.9%	2.3%	1.7%	1.1%	0.5%	Free	Free	Free	Free	Free	Free
2941.10.50	6.6%	5.9%	5.1%	4.4%	3.7%	2.9%	2.2%	1.4%	0.7%	Free	Free	Free	Free	Free	Free
2941.40.00	5.9%	5.2%	4.6%	3.9%	3.3%	2.6%	1.9%	1.3%	0.6%	Free	Free	Free	Free	Free	Free
2941.90.30	5.9%	5.2%	4.6%	3.9%	3.3%	2.6%	1.9%	1.3%	0.6%	Free	Free	Free	Free	Free	Free
3003.10.00	6.2%	5.5%	4.8%	4.1%	3.4%	2.7%	2%	1.3%	0.6%	Free	Free	Free	Free	Free	Free
3003.20.00	3.3%	2.9%	2.5%	2.2%	1.8%	1.4%	1.1%	0.7%	0.3%	Free	Free	Free	Free	Free	Free
3003.39.50	4.4%	3.9%	3.4%	2.9%	2.4%	1.9%	1.4%	0.9%	0.4%	Free	Free	Free	Free	Free	Free
3004.10.50	5.5%	4.9%	4.3%	3.7%	3.1%	2.4%	1.8%	1.2%	0.6%	Free	Free	Free	Free	Free	Free
3004.50.10	7%	6.2%	5.4%	4.6%	3.9%	3.1%	2.3%	1.5%	0.7%	Free	Free	Free	Free	Free	Free
3004.50.20	14.5%	12.9%	11.3%	9.7%	8.1%	6.4%	4.8%	3.2%	1.6%	Free	Free	Free	Free	Free	Free
3004.50.40	6.2%	5.5%	4.8%	4.1%	3.4%	2.7%	2%	1.3%	0.6%	Free	Free	Free	Free	Free	Free
3006.30.50	6.2%	5.5%	4.8%	4.1%	3.4%	2.7%	2%	1.3%	0.6%	Free	Free	Free	Free	Free	Free
3202.10.50	5.5%	4.1%	2.7%	1.3%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
3204.11.10	7.2%	7.2%	6.3%	5.4%	4.5%	3.6%	2.7%	1.8%	0.9%	Free	Free	Free	Free	Free	Free
3204.11.15	11.3%	11.3%	9.9%	8.5%	7.1%	5.6%	4.2%	2.8%	1.4%	Free	Free	Free	Free	Free	Free
3204.11.20	12%	12%	10.5%	9%	7.5%	6%	4.5%	3%	1.5%	Free	Free	Free	Free	Free	Free
3204.11.50	16%	16%	14%	12%	10%	8%	6%	4%	2%	Free	Free	Free	Free	Free	Free
3204.12.10	11.3%	11.3%	9.9%	8.5%	7.1%	5.6%	4.2%	2.8%	1.4%	Free	Free	Free	Free	Free	Free
3204.12.20	7.3%	7.3%	6.4%	5.5%	4.6%	3.6%	2.7%	1.8%	0.9%	Free	Free	Free	Free	Free	Free
3204.12.30	7.2%	7.2%	6.3%	5.4%	4.5%	3.6%	2.7%	1.8%	0.9%	Free	Free	Free	Free	Free	Free
3204.12.40	12%	12%	10.5%	9%	7.5%	6%	4.5%	3%	1.5%	Free	Free	Free	Free	Free	Free
3204.12.50	16%	16%	14%	12%	10%	8%	6%	4%	2%	Free	Free	Free	Free	Free	Free
3204.13.10	7.2%	7.2%	6.3%	5.4%	4.5%	3.6%	2.7%	1.8%	0.9%	Free	Free	Free	Free	Free	Free
3204.13.20	11.3%	11.3%	9.9%	8.5%	7.1%	5.6%	4.2%	2.8%	1.4%	Free	Free	Free	Free	Free	Free
3204.13.25	16%	16%	14%	12%	10%	8%	6%	4%	2%	Free	Free	Free	Free	Free	Free
3204.13.30	12%	12%	10.5%	9%	7.5%	6%	4.5%	3%	1.5%	Free	Free	Free	Free	Free	Free
3204.13.50	16%	16%	14%	12%	10%	8%	6%	4%	2%	Free	Free	Free	Free	Free	Free
3204.14.10	11.3%	11.3%	9.9%	8.5%	7.1%	5.6%	4.2%	2.8%	1.4%	Free	Free	Free	Free	Free	Free
3204.14.20	7.6%	7.6%	6.6%	5.7%	4.7%	3.8%	2.8%	1.9%	0.9%	Free	Free	Free	Free	Free	Free
3204.14.25	16%	16%	14%	12%	10%	8%	6%	4%	2%	Free	Free	Free	Free	Free	Free
3204.14.30	12%	12%	10.5%	9%	7.5%	6%	4.5%	3%	1.5%	Free	Free	Free	Free	Free	Free
3204.14.50	16%	16%	14%	12%	10%	8%	6%	4%	2%	Free	Free	Free	Free	Free	Free
3204.15.10	2.6¢/kg + 11.5%	2.6¢/kg + 11.5%	2.3¢/kg + 10%	1.9¢/kg + 8.6%	1.6¢/kg + 7.2%	1.3¢/kg + 5.7%	0.9¢/kg + 4.3%	0.6¢/kg + 2.8%	0.3¢/kg + 1.4%	Free	Free	Free	Free	Free	Free
3204.16.10	11.3%	11.3%	9.9%	8.5%	7.1%	5.6%	4.2%	2.8%	1.4%	Free	Free	Free	Free	Free	Free
3204.16.20	6.6%	6.6%	5.8%	4.9%	4.1%	3.3%	2.4%	1.6%	0.8%	Free	Free	Free	Free	Free	Free
3204.16.30	12%	12%	10.5%	9%	7.5%	6%	4.5%	3%	1.5%	Free	Free	Free	Free	Free	Free
3204.16.50	16%	16%	14%	12%	10%	8%	6%	4%	2%	Free	Free	Free	Free	Free	Free
3204.17.10	6.6%	6.6%	5.8%	4.9%	4.1%	3.3%	2.4%	1.6%	0.8%	Free	Free	Free	Free	Free	Free

Annex III (con.)
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Section (B). (con.)

Subheading	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
3204.17.20	14%	14%	12.2%	10.5%	8.7%	7%	5.2%	3.5%	1.7%	Free	Free	Free	Free	Free	Free
3204.17.30	12%	12%	10.5%	9%	7.5%	6%	4.5%	3%	1.5%	Free	Free	Free	Free	Free	Free
3204.17.50	16%	16%	14%	12%	10%	8%	6%	4%	2%	Free	Free	Free	Free	Free	Free
3204.19.11	6.5%	6.5%	5.7%	4.9%	4.1%	3.2%	2.4%	1.6%	0.8%	Free	Free	Free	Free	Free	Free
3204.19.15	12%	12%	10.5%	9%	7.5%	6%	4.5%	3%	1.5%	Free	Free	Free	Free	Free	Free
3204.19.19	16%	16%	14%	12%	10%	8%	6%	4%	2%	Free	Free	Free	Free	Free	Free
3204.19.40	12%	12%	10.5%	9%	7.5%	6%	4.5%	3%	1.5%	Free	Free	Free	Free	Free	Free
3204.19.50	16%	16%	14%	12%	10%	8%	6%	4%	2%	Free	Free	Free	Free	Free	Free
3204.20.10	16%	16%	14%	12%	10%	8%	6%	4%	2%	Free	Free	Free	Free	Free	Free
3204.20.50	6.4%	6.4%	5.6%	4.8%	4%	3.2%	2.4%	1.6%	0.8%	Free	Free	Free	Free	Free	Free
3205.00.40	13.5%	12%	10.5%	9%	7.5%	6%	4.5%	3%	1.5%	Free	Free	Free	Free	Free	Free
3205.00.50	18%	16%	14%	12%	10%	8%	6%	4%	2%	Free	Free	Free	Free	Free	Free
3207.40.10	4.8%	3.6%	2.4%	1.2%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
3207.40.50	10.8%	8.1%	5.4%	2.7%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
3214.90.50	9.9%	8.8%	7.7%	6.6%	5.5%	4.4%	3.3%	2.2%	1.1%	Free	Free	Free	Free	Free	Free
3402.90.10	3%	2.2%	1.5%	0.7%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
3403.91.50	5.6%	4.2%	2.8%	1.4%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
3403.99.00	5.6%	4.2%	2.8%	1.4%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
3404.90.10	6.7%	6%	5.2%	4.5%	3.7%	3%	2.2%	1.5%	0.7%	Free	Free	Free	Free	Free	Free
3407.00.40	8%	6%	4%	2%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
3506.10.10	3.9¢/kg + 5.4%	3.5¢/kg + 4.8%	3¢/kg + 4.2%	2.6¢/kg + 3.6%	2.2¢/kg + 3%	1.7¢/kg + 2.4%	1.3¢/kg + 1.8%	0.8¢/kg + 1.2%	0.4¢/kg + 0.6%	Free	Free	Free	Free	Free	Free
3808.30.50	4.5%	4%	3.5%	3%	2.5%	2%	1.5%	1%	0.5%	Free	Free	Free	Free	Free	Free
3808.90.50	4.5%	4%	3.5%	3%	2.5%	2%	1.5%	1%	0.5%	Free	Free	Free	Free	Free	Free
3809.93.10	10.8%	9.6%	8.4%	7.2%	6%	4.8%	3.6%	2.4%	1.2%	Free	Free	Free	Free	Free	Free
3809.93.50	5.4%	4.8%	4.2%	3.6%	3%	2.4%	1.8%	1.2%	0.6%	Free	Free	Free	Free	Free	Free
3810.10.00	4.5%	4%	3.5%	3%	2.5%	2%	1.5%	1%	0.5%	Free	Free	Free	Free	Free	Free
3811.19.00	3.3¢/kg + 12.2%	2.9¢/kg + 10.8%	2.5¢/kg + 9.5%	2.2¢/kg + 8.1%	1.8¢/kg + 6.8%	1.4¢/kg + 5.4%	1.1¢/kg + 4%	0.7¢/kg + 2.7%	0.3¢/kg + 1.3%	Free	Free	Free	Free	Free	Free
3811.21.00	10.8%	9.6%	8.4%	7.2%	6%	4.8%	3.6%	2.4%	1.2%	Free	Free	Free	Free	Free	Free
3811.29.00	6.3%	5.6%	4.9%	4.2%	3.5%	2.8%	2.1%	1.4%	0.7%	Free	Free	Free	Free	Free	Free
3811.90.00	3.3¢/kg + 12.2%	2.9¢/kg + 10.8%	2.5¢/kg + 9.5%	2.2¢/kg + 8.1%	1.8¢/kg + 6.8%	1.4¢/kg + 5.4%	1.1¢/kg + 4%	0.7¢/kg + 2.7%	0.3¢/kg + 1.3%	Free	Free	Free	Free	Free	Free
3812.10.10	3.3¢/kg + 12.2%	2.9¢/kg + 10.8%	2.5¢/kg + 9.5%	2.2¢/kg + 8.1%	1.8¢/kg + 6.8%	1.4¢/kg + 5.4%	1.1¢/kg + 4%	0.7¢/kg + 2.7%	0.3¢/kg + 1.3%	Free	Free	Free	Free	Free	Free
3812.10.50	4.5%	4%	3.5%	3%	2.5%	2%	1.5%	1%	0.5%	Free	Free	Free	Free	Free	Free
3812.20.50	4.5%	4%	3.5%	3%	2.5%	2%	1.5%	1%	0.5%	Free	Free	Free	Free	Free	Free
3812.30.40	3.3¢/kg + 12.2%	2.9¢/kg + 10.8%	2.5¢/kg + 9.5%	2.2¢/kg + 8.1%	1.8¢/kg + 6.8%	1.4¢/kg + 5.4%	1.1¢/kg + 4%	0.7¢/kg + 2.7%	0.3¢/kg + 1.3%	Free	Free	Free	Free	Free	Free
3817.10.10	0.9¢/kg + 15.5%	0.8¢/kg + 13.8%	0.7¢/kg + 12.1%	0.6¢/kg + 10.3%	0.5¢/kg + 8.6%	0.4¢/kg + 6.9%	0.3¢/kg + 5.1%	0.2¢/kg + 3.4%	0.1¢/kg + 1.7%	Free	Free	Free	Free	Free	Free
3819.00.00	2.9¢/kg + 10.8%	2.2¢/kg + 8.1%	1.4¢/kg + 5.4%	0.7¢/kg + 2.7%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
3820.00.00	10.8%	9.6%	8.4%	7.2%	6%	4.8%	3.6%	2.4%	1.2%	Free	Free	Free	Free	Free	Free

Annex III (con.)
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Section (B). (con.)

Subheading	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
3821.00.00	4.5%	4%	3.5%	3%	2.5%	2%	1.5%	1%	0.5%	Free	Free	Free	Free	Free	Free
3822.00.50	4.5%	4%	3.5%	3%	2.5%	2%	1.5%	1%	0.5%	Free	Free	Free	Free	Free	Free
3823.40.10	2.9¢/kg + 10.8%	2.2¢/kg + 8.1%	1.4¢/kg + 5.4%	0.7¢/kg + 2.7%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
3823.40.50	4%	3%	2%	1%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
3823.90.27	3.3¢/kg + 12.2%	2.9¢/kg + 10.8%	2.5¢/kg + 9.5%	2.2¢/kg + 8.1%	1.8¢/kg + 6.8%	1.4¢/kg + 5.4%	1.1¢/kg + 4%	0.7¢/kg + 2.7%	0.3¢/kg + 1.3%	Free	Free	Free	Free	Free	Free
3823.90.50	4.5%	4%	3.5%	3%	2.5%	2%	1.5%	1%	0.5%	Free	Free	Free	Free	Free	Free
3902.10.00	4%	3%	2%	1%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
3916.90.30	7%	6.2%	5.4%	4.6%	3.9%	3.1%	2.3%	1.5%	0.7%	Free	Free	Free	Free	Free	Free
3917.33.00	2.7%	2.4%	2.1%	1.8%	1.5%	1.2%	0.9%	0.6%	0.3%	Free	Free	Free	Free	Free	Free
3918.10.32	7.6%	6.8%	5.9%	5.1%	4.2%	3.4%	2.5%	1.7%	0.8%	Free	Free	Free	Free	Free	Free
3918.10.40	4.7%	4.2%	3.7%	3.1%	2.6%	2.1%	1.5%	1%	0.5%	Free	Free	Free	Free	Free	Free
3918.90.20	7.6%	6.8%	5.9%	5.1%	4.2%	3.4%	2.5%	1.7%	0.8%	Free	Free	Free	Free	Free	Free
3918.90.30	4.7%	4.2%	3.7%	3.1%	2.6%	2.1%	1.5%	1%	0.5%	Free	Free	Free	Free	Free	Free
3921.12.15	7.6%	6.8%	5.9%	5.1%	4.2%	3.4%	2.5%	1.7%	0.8%	Free	Free	Free	Free	Free	Free
3921.13.15	7.6%	6.8%	5.9%	5.1%	4.2%	3.4%	2.5%	1.7%	0.8%	Free	Free	Free	Free	Free	Free
3921.90.15	7.6%	6.8%	5.9%	5.1%	4.2%	3.4%	2.5%	1.7%	0.8%	Free	Free	Free	Free	Free	Free
3921.90.19	4.7%	4.2%	3.7%	3.1%	2.6%	2.1%	1.5%	1%	0.5%	Free	Free	Free	Free	Free	Free
3921.90.21	6.4%	5.7%	5%	4.3%	3.6%	2.8%	2.1%	1.4%	0.7%	Free	Free	Free	Free	Free	Free
3921.90.25	14.4%	12.8%	11.2%	9.6%	8%	6.4%	4.8%	3.2%	1.6%	Free	Free	Free	Free	Free	Free
3921.90.29	3.9%	3.5%	3%	2.6%	2.2%	1.7%	1.3%	0.8%	0.4%	Free	Free	Free	Free	Free	Free
3926.20.40	11.2%	8.4%	5.6%	2.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
3926.30.50	4.2%	3.1%	2.1%	1%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
3926.90.55	4%	3%	2%	1%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
3926.90.59	2.1%	1.9%	1.6%	1.4%	1.2%	0.9%	0.7%	0.4%	0.2%	Free	Free	Free	Free	Free	Free
3926.90.65	8¢/gross	6¢/gross	4¢/gross	2¢/gross	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
3926.90.77	2.1%	1.9%	1.6%	1.4%	1.2%	0.9%	0.7%	0.4%	0.2%	Free	Free	Free	Free	Free	Free
3926.90.85	9.9%	8.8%	7.7%	6.6%	5.5%	4.4%	3.3%	2.2%	1.1%	Free	Free	Free	Free	Free	Free
3926.90.87	4.7%	4.2%	3.7%	3.1%	2.6%	2.1%	1.5%	1%	0.5%	Free	Free	Free	Free	Free	Free
4008.21.00	3%	2.7%	2.3%	2%	1.7%	1.3%	1%	0.6%	0.3%	Free	Free	Free	Free	Free	Free
4010.91.19	2.1%	1.9%	1.6%	1.4%	1.2%	0.9%	0.7%	0.4%	0.2%	Free	Free	Free	Free	Free	Free
4010.99.19	2.1%	1.9%	1.6%	1.4%	1.2%	0.9%	0.7%	0.4%	0.2%	Free	Free	Free	Free	Free	Free
4015.90.00	4.5%	4%	3.5%	3%	2.5%	2%	1.5%	1%	0.5%	Free	Free	Free	Free	Free	Free
4104.10.60	3.3%	2.9%	2.5%	2.2%	1.8%	1.4%	1.1%	0.7%	0.3%	Free	Free	Free	Free	Free	Free
4104.10.80	4.9%	4.4%	3.8%	3.3%	2.7%	2.2%	1.6%	1.1%	0.5%	Free	Free	Free	Free	Free	Free
4107.10.20	3.3%	2.5%	1.6%	0.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
4107.10.30	3.3%	2.5%	1.6%	0.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
4107.90.30	4%	3%	2%	1%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
4109.00.30	3.1%	2.8%	2.4%	2.1%	1.7%	1.4%	1%	0.7%	0.3%	Free	Free	Free	Free	Free	Free
4109.00.40	4.9%	4.4%	3.8%	3.3%	2.7%	2.2%	1.6%	1.1%	0.5%	Free	Free	Free	Free	Free	Free
4202.11.00	7.2%	6.4%	5.6%	4.8%	4%	3.2%	2.4%	1.6%	0.8%	Free	Free	Free	Free	Free	Free
4202.12.20	18%	16%	14%	12%	10%	8%	6%	4%	2%	Free	Free	Free	Free	Free	Free

Annex III (con.)
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Section (B). (con.)

Subheading	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
4202.12.40	6.4%	5.7%	5%	4.3%	3.6%	2.8%	2.1%	1.4%	0.7%	Free	Free	Free	Free	Free	Free
4202.12.60	5.8%	5.2%	4.5%	3.9%	3.2%	2.6%	1.9%	1.3%	0.6%	Free	Free	Free	Free	Free	Free
4202.12.80	18%	16%	14%	12%	10%	8%	6%	4%	2%	Free	Free	Free	Free	Free	Free
4202.19.00	18%	16%	14%	12%	10%	8%	6%	4%	2%	Free	Free	Free	Free	Free	Free
4202.21.30	4.7%	4.2%	3.7%	3.1%	2.6%	2.1%	1.5%	1%	0.5%	Free	Free	Free	Free	Free	Free
4202.21.60	9%	8%	7%	6%	5%	4%	3%	2%	1%	Free	Free	Free	Free	Free	Free
4202.21.90	8.1%	7.2%	6.3%	5.4%	4.5%	3.6%	2.7%	1.8%	0.9%	Free	Free	Free	Free	Free	Free
4202.22.15	18%	16%	14%	12%	10%	8%	6%	4%	2%	Free	Free	Free	Free	Free	Free
4202.22.40	7.5%	6.7%	5.8%	5%	4.2%	3.3%	2.5%	1.6%	0.8%	Free	Free	Free	Free	Free	Free
4202.22.45	6.4%	5.7%	5%	4.3%	3.6%	2.8%	2.1%	1.4%	0.7%	Free	Free	Free	Free	Free	Free
4202.22.60	5.8%	5.2%	4.5%	3.9%	3.2%	2.6%	1.9%	1.3%	0.6%	Free	Free	Free	Free	Free	Free
4202.22.70	18%	16%	14%	12%	10%	8%	6%	4%	2%	Free	Free	Free	Free	Free	Free
4202.22.80	18%	16%	14%	12%	10%	8%	6%	4%	2%	Free	Free	Free	Free	Free	Free
4202.29.10	4.7%	4.2%	3.7%	3.1%	2.6%	2.1%	1.5%	1%	0.5%	Free	Free	Free	Free	Free	Free
4202.29.20	4.5%	4%	3.5%	3%	2.5%	2%	1.5%	1%	0.5%	Free	Free	Free	Free	Free	Free
4202.29.50	7%	6.2%	5.4%	4.6%	3.9%	3.1%	2.3%	1.5%	0.7%	Free	Free	Free	Free	Free	Free
4202.29.90	18%	16%	14%	12%	10%	8%	6%	4%	2%	Free	Free	Free	Free	Free	Free
4202.31.60	7.2%	6.4%	5.6%	4.8%	4%	3.2%	2.4%	1.6%	0.8%	Free	Free	Free	Free	Free	Free
4202.32.40	6.4%	5.7%	5%	4.3%	3.6%	2.8%	2.1%	1.4%	0.7%	Free	Free	Free	Free	Free	Free
4202.32.80	5.8%	5.2%	4.5%	3.9%	3.2%	2.6%	1.9%	1.3%	0.6%	Free	Free	Free	Free	Free	Free
4202.32.85	18%	16%	14%	12%	10%	8%	6%	4%	2%	Free	Free	Free	Free	Free	Free
4202.32.95	18%	16%	14%	12%	10%	8%	6%	4%	2%	Free	Free	Free	Free	Free	Free
4202.91.00	6.1%	5.4%	4.7%	4%	3.4%	2.7%	2%	1.3%	0.6%	Free	Free	Free	Free	Free	Free
4202.92.15	6.4%	5.7%	5%	4.3%	3.6%	2.8%	2.1%	1.4%	0.7%	Free	Free	Free	Free	Free	Free
4202.92.20	5.8%	5.2%	4.5%	3.9%	3.2%	2.6%	1.9%	1.3%	0.6%	Free	Free	Free	Free	Free	Free
4202.92.30	18%	16%	14%	12%	10%	8%	6%	4%	2%	Free	Free	Free	Free	Free	Free
4202.92.45	18%	16%	14%	12%	10%	8%	6%	4%	2%	Free	Free	Free	Free	Free	Free
4202.92.60	6.4%	5.7%	5%	4.3%	3.6%	2.8%	2.1%	1.4%	0.7%	Free	Free	Free	Free	Free	Free
4202.92.90	18%	16%	14%	12%	10%	8%	6%	4%	2%	Free	Free	Free	Free	Free	Free
4202.99.10	3%	2.7%	2.3%	2%	1.7%	1.3%	1%	0.6%	0.3%	Free	Free	Free	Free	Free	Free
4202.99.20	6%	5.3%	4.6%	4%	3.3%	2.6%	2%	1.3%	0.6%	Free	Free	Free	Free	Free	Free
4202.99.30	1.9¢/kg + 2.6%	1.7¢/kg + 2.3%	1.5¢/kg + 2%	1.3¢/kg + 1.7%	1.1¢/kg + 1.4%	0.8¢/kg + 1.1%	0.6¢/kg + 0.8%	0.4¢/kg + 0.5%	0.2¢/kg + 0.2%	Free	Free	Free	Free	Free	Free
4202.99.50	7%	6.2%	5.4%	4.6%	3.9%	3.1%	2.3%	1.5%	0.7%	Free	Free	Free	Free	Free	Free
4202.99.90	18%	16%	14%	12%	10%	8%	6%	4%	2%	Free	Free	Free	Free	Free	Free
4203.10.40	5.4%	4.8%	4.2%	3.6%	3%	2.4%	1.8%	1.2%	0.6%	Free	Free	Free	Free	Free	Free
4203.29.05	12.6%	11.2%	9.8%	8.4%	7%	5.6%	4.2%	2.8%	1.4%	Free	Free	Free	Free	Free	Free
4203.29.08	12.6%	11.2%	9.8%	8.4%	7%	5.6%	4.2%	2.8%	1.4%	Free	Free	Free	Free	Free	Free
4203.29.15	12.6%	11.2%	9.8%	8.4%	7%	5.6%	4.2%	2.8%	1.4%	Free	Free	Free	Free	Free	Free
4203.29.18	12.6%	11.2%	9.8%	8.4%	7%	5.6%	4.2%	2.8%	1.4%	Free	Free	Free	Free	Free	Free
4203.29.20	12.6%	11.2%	9.8%	8.4%	7%	5.6%	4.2%	2.8%	1.4%	Free	Free	Free	Free	Free	Free
4203.29.30	12.6%	11.2%	9.8%	8.4%	7%	5.6%	4.2%	2.8%	1.4%	Free	Free	Free	Free	Free	Free
4203.29.40	12.6%	11.2%	9.8%	8.4%	7%	5.6%	4.2%	2.8%	1.4%	Free	Free	Free	Free	Free	Free

Annex III (con.)
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Section (B). (con.)

Subheading	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
4203.29.50	12.6%	11.2%	9.8%	8.4%	7%	5.6%	4.2%	2.8%	1.4%	Free	Free	Free	Free	Free	Free
4405.00.00	4.5%	4%	3.5%	3%	2.5%	2%	1.5%	1%	0.5%	Free	Free	Free	Free	Free	Free
4409.10.65	6%	4.5%	3%	1.5%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
4412.19.50	7.2%	6.4%	5.6%	4.8%	4%	3.2%	2.4%	1.6%	0.8%	Free	Free	Free	Free	Free	Free
4420.90.65	1.7¢/kg + 2.3%	1.3¢/kg + 1.7%	1.3¢/kg + 1.1%	0.4¢/kg + 0.5%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
4421.10.00	4.5%	4%	3.5%	3%	2.5%	2%	1.5%	1%	0.5%	Free	Free	Free	Free	Free	Free
4421.90.40	7.2%	6.4%	5.6%	4.8%	4%	3.2%	2.4%	1.6%	0.8%	Free	Free	Free	Free	Free	Free
4421.90.80	9¢/gross	8¢/gross	7¢/gross	6¢/gross	5¢/gross	4¢/gross	3¢/gross	2¢/gross	1¢/gross	Free	Free	Free	Free	Free	Free
4421.90.85	6.7%	6%	5.2%	4.5%	3.7%	3%	2.2%	1.5%	0.7%	Free	Free	Free	Free	Free	Free
5101.29.60	6.1¢/kg + 5%	4.6¢/kg + 3.7%	3¢/kg + 2.5%	1.5¢/kg + 1.2%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5102.10.90	6.1¢/kg + 5%	4.6¢/kg + 3.7%	3¢/kg + 2.5%	1.5¢/kg + 1.2%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5103.30.00	8.8%	6.6%	4.4%	2.2%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5104.00.00	4.4¢/kg	3.3¢/kg	2.2¢/kg	1.1¢/kg	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5111.11.20	6.5%	5.2%	3.9%	2.6%	1.3%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5111.11.30	11.2%	8.9%	6.7%	4.4%	2.2%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5111.11.70	25%	24.1%	18%	12%	6%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5111.19.10	6.5%	5.2%	3.9%	2.6%	1.3%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5111.19.20	11.3%	9.1%	6.8%	4.5%	2.2%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5111.19.60	25%	24.1%	18%	12%	6%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5111.20.05	6.5%	5.2%	3.9%	2.6%	1.3%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5111.20.10	6.5%	5.2%	3.9%	2.6%	1.3%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5111.20.90	25%	25%	20%	13.3%	6.7%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5111.30.05	6.5%	5.2%	3.9%	2.6%	1.3%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5111.30.10	6.5%	5.2%	3.9%	2.6%	1.3%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5111.30.90	25%	25%	20%	13.3%	6.7%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5111.90.30	7.1%	5.7%	4.3%	2.8%	1.4%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5111.90.40	6.5%	5.2%	3.9%	2.6%	1.3%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5111.90.50	6.5%	5.2%	3.9%	2.6%	1.3%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5111.90.90	20%	17.6%	13.2%	8.8%	4.4%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5112.11.10	6.5%	5.2%	3.9%	2.6%	1.3%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5112.11.20	25%	24.1%	18%	12%	6%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5112.19.20	6.5%	5.2%	3.9%	2.6%	1.3%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5112.19.90	25%	24.1%	18%	12%	6%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5112.20.10	6.5%	5.2%	3.9%	2.6%	1.3%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5112.20.20	6.5%	5.2%	3.9%	2.6%	1.3%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5112.20.30	25%	25%	20%	13.3%	6.7%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5112.30.10	6.5%	5.2%	3.9%	2.6%	1.3%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5112.30.20	6.5%	5.2%	3.9%	2.6%	1.3%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5112.30.30	25%	25%	20%	13.3%	6.7%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5112.90.30	7.1%	5.7%	4.3%	2.8%	1.4%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free

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Section (B). (con.)

Subheading	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
5112.90.40	6.5%	5.2%	3.9%	2.6%	1.3%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5112.90.50	6.5%	5.2%	3.9%	2.6%	1.3%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5112.90.90	20%	17.6%	13.2%	8.8%	4.4%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5205.11.10	3.5%	2.8%	2.1%	1.4%	0.7%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5205.11.20	5.4%	4.3%	3.2%	2.1%	1%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5205.12.10	4.9%	3.9%	2.9%	1.9%	0.9%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5205.12.20	6.7%	5.4%	4%	2.7%	1.3%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5205.13.10	6%	4.8%	3.6%	2.4%	1.2%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5205.13.20	7.8%	6.2%	4.7%	3.1%	1.5%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5205.14.10	7.1%	5.7%	4.3%	2.8%	1.4%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5205.14.20	8.9%	7.1%	5.3%	3.5%	1.7%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5205.15.10	8.9%	7.1%	5.3%	3.5%	1.7%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5205.15.20	10.5%	8.4%	6.3%	4.2%	2.1%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5205.21.00	5.4%	4.3%	3.2%	2.1%	1%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5205.22.00	6.7%	5.4%	4%	2.7%	1.3%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5205.23.00	7.8%	6.2%	4.7%	3.1%	1.5%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5205.24.00	8.9%	7.1%	5.3%	3.5%	1.7%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5205.25.00	10.5%	8.4%	6.3%	4.2%	2.1%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5205.31.00	5.4%	4.3%	3.2%	2.1%	1%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5205.32.00	6.7%	5.4%	4%	2.7%	1.3%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5205.33.00	7.8%	6.2%	4.7%	3.1%	1.5%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5205.34.00	8.9%	7.1%	5.3%	3.5%	1.7%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5205.35.00	10.5%	8.4%	6.3%	4.2%	2.1%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5205.41.00	5.4%	4.3%	3.2%	2.1%	1%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5205.42.00	6.7%	5.4%	4%	2.7%	1.3%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5205.43.00	7.8%	6.2%	4.7%	3.1%	1.5%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5205.44.00	8.9%	7.1%	5.3%	3.5%	1.7%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5205.45.00	10.5%	8.4%	6.3%	4.2%	2.1%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5206.11.00	9.6%	7.7%	5.7%	3.8%	1.9%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5206.12.00	9.6%	7.7%	5.7%	3.8%	1.9%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5206.13.00	9.6%	7.7%	5.7%	3.8%	1.9%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5206.14.00	9.6%	7.7%	5.7%	3.8%	1.9%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5206.15.00	9.6%	7.7%	5.7%	3.8%	1.9%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5206.21.00	9.6%	7.7%	5.7%	3.8%	1.9%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5206.22.00	9.6%	7.7%	5.7%	3.8%	1.9%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5206.23.00	9.6%	7.7%	5.7%	3.8%	1.9%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5206.24.00	9.6%	7.7%	5.7%	3.8%	1.9%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5206.25.00	9.6%	7.7%	5.7%	3.8%	1.9%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5206.31.00	9.6%	7.7%	5.7%	3.8%	1.9%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5206.32.00	9.6%	7.7%	5.7%	3.8%	1.9%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5206.33.00	9.6%	7.7%	5.7%	3.8%	1.9%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5206.34.00	9.6%	7.7%	5.7%	3.8%	1.9%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5206.35.00	9.6%	7.7%	5.7%	3.8%	1.9%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free

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Section (B). (con.)

Subheading	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
5206.41.00	9.6%	7.7%	5.7%	3.8%	1.9%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5206.42.00	9.6%	7.7%	5.7%	3.8%	1.9%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5206.43.00	9.6%	7.7%	5.7%	3.8%	1.9%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5206.44.00	9.6%	7.7%	5.7%	3.8%	1.9%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5206.45.00	9.6%	7.7%	5.7%	3.8%	1.9%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5207.10.00	4.7%	3.8%	2.8%	1.9%	0.9%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5207.90.00	4.7%	3.8%	2.8%	1.9%	0.9%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5208.11.20	6.5%	5.2%	3.9%	2.6%	1.3%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5208.11.40	8.1%	6.5%	4.9%	3.2%	1.6%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5208.11.60	16.5%	13.2%	9.9%	6.6%	3.3%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5208.11.80	10.7%	8.6%	6.4%	4.3%	2.1%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5208.12.40	6.5%	5.2%	3.9%	2.6%	1.3%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5208.12.60	8.1%	6.5%	4.9%	3.2%	1.6%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5208.12.80	10.7%	8.6%	6.4%	4.3%	2.1%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5208.19.40	6.5%	5.2%	3.9%	2.6%	1.3%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5208.19.60	8.1%	6.5%	4.9%	3.2%	1.6%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5208.19.80	10.7%	8.6%	6.4%	4.3%	2.1%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5208.21.20	7.6%	6.1%	4.6%	3%	1.5%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5208.21.40	9.1%	7.3%	5.4%	3.6%	1.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5208.21.60	11.6%	9.3%	7%	4.6%	2.3%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5208.22.40	7.6%	6.1%	4.6%	3%	1.5%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5208.22.60	9.1%	7.3%	5.4%	3.6%	1.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5208.22.80	11.6%	9.3%	7%	4.6%	2.3%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5208.29.40	7.6%	6.1%	4.6%	3%	1.5%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5208.29.60	9.1%	7.3%	5.4%	3.6%	1.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5208.29.80	11.6%	9.3%	7%	4.6%	2.3%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5208.31.40	8.6%	6.9%	5.2%	3.4%	1.7%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5208.31.60	10.1%	8%	6%	4%	2%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5208.31.80	12.5%	10%	7.5%	5%	2.5%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5208.32.30	8.6%	6.9%	5.2%	3.4%	1.7%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5208.32.40	10.1%	8%	6%	4%	2%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5208.32.50	12.5%	10%	7.5%	5%	2.5%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5208.39.40	8.6%	6.9%	5.2%	3.4%	1.7%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5208.39.60	10.1%	8%	6%	4%	2%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5208.39.80	12.5%	10%	7.5%	5%	2.5%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5208.41.40	8.6%	6.9%	5.2%	3.4%	1.7%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5208.41.60	10.1%	8%	6%	4%	2%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5208.41.80	12.5%	10%	7.5%	5%	2.5%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5208.42.30	8.6%	6.9%	5.2%	3.4%	1.7%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5208.42.40	10.1%	8%	6%	4%	2%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5208.42.50	12.5%	10%	7.5%	5%	2.5%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5208.43.00	9.2%	7.3%	5.5%	3.6%	1.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5208.49.20	9.2%	7.3%	5.5%	3.6%	1.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free

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Section (B). (con.)

Subheading	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
5208.49.40	8.6%	6.9%	5.2%	3.4%	1.7%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5208.49.60	10.1%	8%	6%	4%	2%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5208.49.80	12.5%	10%	7.5%	5%	2.5%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5208.51.40	8.6%	6.9%	5.2%	3.4%	1.7%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5208.51.60	10.1%	8%	6%	4%	2%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5208.51.80	12.5%	10%	7.5%	5%	2.5%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5208.52.30	8.6%	6.9%	5.2%	3.4%	1.7%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5208.52.40	10.1%	8%	6%	4%	2%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5208.52.50	12.5%	10%	7.5%	5%	2.5%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5208.59.40	8.6%	6.9%	5.2%	3.4%	1.7%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5208.59.60	10.1%	8%	6%	4%	2%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5208.59.80	12.5%	10%	7.5%	5%	2.5%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5209.11.00	6%	4.8%	3.6%	2.4%	1.2%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5209.19.00	6%	4.8%	3.6%	2.4%	1.2%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5209.21.00	7.1%	5.6%	4.2%	2.8%	1.4%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5209.29.00	7.1%	5.6%	4.2%	2.8%	1.4%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5209.31.60	8.1%	6.4%	4.8%	3.2%	1.6%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5209.39.00	8.1%	6.4%	4.8%	3.2%	1.6%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5209.41.60	8.1%	6.4%	4.8%	3.2%	1.6%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5209.43.00	8.1%	6.4%	4.8%	3.2%	1.6%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5209.49.00	8.1%	6.4%	4.8%	3.2%	1.6%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5209.51.60	8.1%	6.4%	4.8%	3.2%	1.6%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5209.59.00	8.1%	6.4%	4.8%	3.2%	1.6%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5210.11.40	7.6%	6.1%	4.6%	3%	1.5%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5210.11.60	9.1%	7.3%	5.4%	3.6%	1.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5210.11.80	11.6%	9.3%	7%	4.6%	2.3%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5210.19.40	7.6%	6.1%	4.6%	3%	1.5%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5210.19.60	9.1%	7.3%	5.4%	3.6%	1.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5210.19.80	11.6%	9.3%	7%	4.6%	2.3%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5210.21.40	8.6%	6.9%	5.2%	3.4%	1.7%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5210.21.60	10.1%	8%	6%	4%	2%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5210.21.80	12.5%	10%	7.5%	5%	2.5%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5210.29.40	8.6%	6.9%	5.2%	3.4%	1.7%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5210.29.60	10.1%	8%	6%	4%	2%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5210.29.80	12.5%	10%	7.5%	5%	2.5%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5210.31.40	9.3%	7.4%	5.5%	3.7%	1.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5210.31.60	10.7%	8.5%	6.4%	4.2%	2.1%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5210.31.80	13%	10.4%	7.8%	5.2%	2.6%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5210.39.40	9.3%	7.4%	5.5%	3.7%	1.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5210.39.60	10.7%	8.5%	6.4%	4.2%	2.1%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5210.39.80	13%	10.4%	7.8%	5.2%	2.6%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5210.41.40	9.3%	7.4%	5.5%	3.7%	1.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5210.41.60	10.7%	8.5%	6.4%	4.2%	2.1%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free

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Section (B). (con.)

Subheading	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
5210.41.80	13%	10.4%	7.8%	5.2%	2.6%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5210.42.00	9.8%	7.8%	5.9%	3.9%	1.9%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5210.49.20	9.8%	7.8%	5.9%	3.9%	1.9%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5210.49.40	9.3%	7.4%	5.5%	3.7%	1.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5210.49.60	10.7%	8.5%	6.4%	4.2%	2.1%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5210.49.80	13%	10.4%	7.8%	5.2%	2.6%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5210.51.40	9.3%	7.4%	5.5%	3.7%	1.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5210.51.60	10.7%	8.5%	6.4%	4.2%	2.1%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5210.51.80	13%	10.4%	7.8%	5.2%	2.6%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5210.59.40	9.3%	7.4%	5.5%	3.7%	1.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5210.59.60	10.7%	8.5%	6.4%	4.2%	2.1%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5210.59.80	13%	10.4%	7.8%	5.2%	2.6%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5211.11.00	7.1%	5.6%	4.2%	2.8%	1.4%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5211.19.00	7.1%	5.6%	4.2%	2.8%	1.4%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5211.21.00	8.1%	6.4%	4.8%	3.2%	1.6%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5211.29.00	8.1%	6.4%	4.8%	3.2%	1.6%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5211.31.00	8.7%	7%	5.2%	3.5%	1.7%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5211.39.00	8.7%	7%	5.2%	3.5%	1.7%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5211.41.00	8.7%	7%	5.2%	3.5%	1.7%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5211.43.00	8.7%	7%	5.2%	3.5%	1.7%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5211.49.00	8.7%	7%	5.2%	3.5%	1.7%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5211.51.00	8.7%	7%	5.2%	3.5%	1.7%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5211.59.00	8.7%	7%	5.2%	3.5%	1.7%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5212.11.10	20%	17.6%	13.2%	8.8%	4.4%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5212.11.60	7.1%	5.7%	4.3%	2.8%	1.4%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5212.12.10	20%	17.6%	13.2%	8.8%	4.4%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5212.12.60	7.1%	5.7%	4.3%	2.8%	1.4%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5212.13.10	20%	17.6%	13.2%	8.8%	4.4%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5212.13.60	7.1%	5.7%	4.3%	2.8%	1.4%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5212.14.10	20%	17.6%	13.2%	8.8%	4.4%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5212.14.60	7.1%	5.7%	4.3%	2.8%	1.4%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5212.15.10	20%	17.6%	13.2%	8.8%	4.4%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5212.15.60	7.1%	5.7%	4.3%	2.8%	1.4%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5212.21.10	20%	17.6%	13.2%	8.8%	4.4%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5212.21.60	7.1%	5.7%	4.3%	2.8%	1.4%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5212.22.10	20%	17.6%	13.2%	8.8%	4.4%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5212.22.60	7.1%	5.7%	4.3%	2.8%	1.4%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5212.23.10	20%	17.6%	13.2%	8.8%	4.4%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5212.23.60	7.1%	5.7%	4.3%	2.8%	1.4%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5212.24.10	20%	17.6%	13.2%	8.8%	4.4%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5212.24.60	7.1%	5.7%	4.3%	2.8%	1.4%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5212.25.10	20%	17.6%	13.2%	8.8%	4.4%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5212.25.60	7.1%	5.7%	4.3%	2.8%	1.4%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free

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Section (B). (con.)

Subheading	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
5402.10.30	9%	7.2%	5.4%	3.6%	1.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5402.10.60	8.2%	6.6%	4.9%	3.3%	1.6%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5402.20.30	9%	7.2%	5.4%	3.6%	1.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5402.20.60	8.2%	6.6%	4.9%	3.3%	1.6%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5402.31.30	9%	7.2%	5.4%	3.6%	1.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5402.31.60	8.2%	6.6%	4.9%	3.3%	1.6%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5402.32.30	9%	7.2%	5.4%	3.6%	1.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5402.32.60	8.2%	6.6%	4.9%	3.3%	1.6%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5402.33.30	9%	7.2%	5.4%	3.6%	1.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5402.33.60	8.2%	6.6%	4.9%	3.3%	1.6%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5402.39.30	9%	7.2%	5.4%	3.6%	1.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5402.39.60	8.2%	6.6%	4.9%	3.3%	1.6%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5402.41.00	9%	7.2%	5.4%	3.6%	1.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5402.42.00	9%	7.2%	5.4%	3.6%	1.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5402.43.10	9%	7.2%	5.4%	3.6%	1.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5402.43.90	9%	7.2%	5.4%	3.6%	1.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5402.59.00	9%	7.2%	5.4%	3.6%	1.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5402.61.00	8.2%	6.6%	4.9%	3.3%	1.6%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5402.62.00	8.2%	6.6%	4.9%	3.3%	1.6%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5402.69.00	8.2%	6.6%	4.9%	3.3%	1.6%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5403.10.30	9%	8%	7%	6%	5%	4%	3%	2%	1%	Free	Free	Free	Free	Free	Free
5403.10.60	8.1%	7.2%	6.3%	5.4%	4.5%	3.6%	2.7%	1.8%	0.9%	Free	Free	Free	Free	Free	Free
5403.20.30	9%	7.2%	5.4%	3.6%	1.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5403.20.60	8.1%	7.2%	6.3%	5.4%	4.5%	3.6%	2.7%	1.8%	0.9%	Free	Free	Free	Free	Free	Free
5403.31.00	9%	8%	7%	6%	5%	4%	3%	2%	1%	Free	Free	Free	Free	Free	Free
5403.32.00	9%	8%	7%	6%	5%	4%	3%	2%	1%	Free	Free	Free	Free	Free	Free
5403.39.00	9%	7.2%	5.4%	3.6%	1.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5403.41.00	8.1%	7.2%	6.3%	5.4%	4.5%	3.6%	2.7%	1.8%	0.9%	Free	Free	Free	Free	Free	Free
5403.49.00	8.2%	6.6%	4.9%	3.3%	1.6%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5404.10.80	7.1%	5.7%	4.3%	2.8%	1.4%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5405.00.30	7.1%	5.7%	4.3%	2.8%	1.4%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5406.10.00	11.3%	9%	6.7%	4.5%	2.2%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5406.20.00	11.3%	9%	6.7%	4.5%	2.2%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5407.10.00	15.3%	13.6%	11.9%	10.2%	8.5%	6.8%	5.1%	3.4%	1.7%	Free	Free	Free	Free	Free	Free
5407.20.00	14.1%	11.2%	8.4%	5.6%	2.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5407.30.10	3.2%	2.6%	1.9%	1.3%	0.6%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5407.30.90	13.4%	10.7%	8%	5.3%	2.6%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5407.42.00	14.1%	11.2%	8.4%	5.6%	2.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5407.43.10	17.8%	14.2%	10.6%	7.1%	3.5%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5407.43.20	14.1%	11.2%	8.4%	5.6%	2.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5407.44.00	14.1%	11.2%	8.4%	5.6%	2.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5407.53.10	17.7%	14.2%	10.6%	7.1%	3.5%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5407.53.20	14.1%	11.2%	8.4%	5.6%	2.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free

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Section (B). (con.)

Subheading	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
5407.60.11	18%	14.4%	10.8%	7.2%	3.6%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5407.60.19	18%	14.4%	10.8%	7.2%	3.6%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5407.60.21	17.7%	14.2%	10.6%	7.1%	3.5%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5407.60.29	17.7%	14.2%	10.6%	7.1%	3.5%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5407.60.91	14.1%	11.2%	8.4%	5.6%	2.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5407.60.99	14.1%	11.2%	8.4%	5.6%	2.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5407.71.00	14.1%	11.2%	8.4%	5.6%	2.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5407.72.00	14.1%	11.2%	8.4%	5.6%	2.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5407.73.10	17.7%	14.2%	10.6%	7.1%	3.5%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5407.73.20	14.1%	11.2%	8.4%	5.6%	2.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5407.74.00	14.1%	11.2%	8.4%	5.6%	2.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5407.81.00	14.1%	11.2%	8.4%	5.6%	2.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5407.82.00	14.1%	11.2%	8.4%	5.6%	2.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5407.83.00	14.1%	11.2%	8.4%	5.6%	2.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5407.84.00	14.1%	11.2%	8.4%	5.6%	2.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5407.91.05	25%	25%	20%	13.3%	6.7%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5407.91.10	12.2%	9.8%	7.3%	4.9%	2.4%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5407.91.20	14.1%	11.2%	8.4%	5.6%	2.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5407.92.05	25%	25%	20%	13.3%	6.7%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5407.92.10	12.2%	9.8%	7.3%	4.9%	2.4%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5407.92.20	14.1%	11.2%	8.4%	5.6%	2.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5407.93.05	25%	25%	20%	13.3%	6.7%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5407.93.10	12.2%	9.8%	7.3%	4.9%	2.4%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5407.93.15	17.7%	14.2%	10.6%	7.1%	3.5%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5407.93.20	14.1%	11.2%	8.4%	5.6%	2.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5407.94.05	25%	25%	20%	13.3%	6.7%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5407.94.10	12.2%	9.8%	7.3%	4.9%	2.4%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5407.94.20	14.1%	11.2%	8.4%	5.6%	2.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5408.10.00	14.1%	11.2%	8.4%	5.6%	2.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5408.21.00	14.1%	11.2%	8.4%	5.6%	2.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5408.22.10	14.1%	11.2%	8.4%	5.6%	2.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5408.22.90	14.1%	11.2%	8.4%	5.6%	2.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5408.23.11	17.9%	14.3%	10.7%	7.1%	3.5%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5408.23.19	17.9%	14.3%	10.7%	7.1%	3.5%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5408.23.21	14.1%	11.2%	8.4%	5.6%	2.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5408.23.29	14.1%	11.2%	8.4%	5.6%	2.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5408.24.10	14.1%	11.2%	8.4%	5.6%	2.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5408.24.90	14.1%	11.2%	8.4%	5.6%	2.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5408.31.05	25%	25%	20%	13.3%	6.7%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5408.31.10	12.2%	9.8%	7.3%	4.9%	2.4%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5408.31.20	14.1%	11.2%	8.4%	5.6%	2.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5408.32.05	25%	25%	20%	13.3%	6.7%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5408.32.10	12.2%	9.8%	7.3%	4.9%	2.4%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free

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Section (B). (con.)

Subheading	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
5408.32.30	7.1%	5.7%	4.3%	2.8%	1.4%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5408.32.90	14.1%	11.2%	8.4%	5.6%	2.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5408.33.05	25%	25%	20%	13.3%	6.7%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5408.33.10	12.2%	9.8%	7.3%	4.9%	2.4%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5408.33.15	17.8%	14.2%	10.6%	7.1%	3.5%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5408.33.30	7.1%	5.7%	4.3%	2.8%	1.4%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5408.33.90	14.1%	11.2%	8.4%	5.6%	2.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5408.34.05	25%	25%	20%	13.3%	6.7%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5408.34.10	12.2%	9.8%	7.3%	4.9%	2.4%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5408.34.30	7.1%	5.7%	4.3%	2.8%	1.4%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5408.34.90	14.1%	11.2%	8.4%	5.6%	2.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5501.10.00	9%	7.2%	5.4%	3.6%	1.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5501.20.00	9%	7.2%	5.4%	3.6%	1.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5501.90.00	9%	7.2%	5.4%	3.6%	1.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5502.00.00	9%	8%	7%	6%	5%	4%	3%	2%	1%	Free	Free	Free	Free	Free	Free
5503.10.00	4.6%	3.7%	2.7%	1.8%	0.9%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5503.20.00	4.6%	3.7%	2.7%	1.8%	0.9%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5503.40.00	4.6%	3.7%	2.7%	1.8%	0.9%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5503.90.00	4.6%	3.7%	2.7%	1.8%	0.9%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5505.20.00	2%	1.6%	1.2%	0.8%	0.4%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5506.10.00	6%	4.8%	3.6%	2.4%	1.2%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5506.20.00	6%	4.8%	3.6%	2.4%	1.2%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5506.90.00	6%	4.8%	3.6%	2.4%	1.2%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5507.00.00	6%	4.8%	3.6%	2.4%	1.2%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5509.11.00	9.7%	7.8%	5.8%	3.9%	1.9%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5509.12.00	10.5%	8.4%	6.3%	4.2%	2.1%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5509.21.00	9.7%	7.8%	5.8%	3.9%	1.9%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5509.22.00	10.5%	8.4%	6.3%	4.2%	2.1%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5509.31.00	9.7%	7.8%	5.8%	3.9%	1.9%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5509.32.00	10.5%	8.4%	6.3%	4.2%	2.1%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5509.41.00	9.7%	7.8%	5.8%	3.9%	1.9%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5509.42.00	10.5%	8.4%	6.3%	4.2%	2.1%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5509.51.30	9.7%	7.8%	5.8%	3.9%	1.9%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5509.51.60	10.5%	8.4%	6.3%	4.2%	2.1%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5509.52.00	12.7%	10.2%	7.6%	5.1%	2.5%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5509.53.00	12.7%	10.2%	7.6%	5.1%	2.5%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5509.59.00	12.7%	10.2%	7.6%	5.1%	2.5%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5509.61.00	12.7%	10.2%	7.6%	5.1%	2.5%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5509.62.00	12.7%	10.2%	7.6%	5.1%	2.5%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5509.69.20	9.7%	7.8%	5.8%	3.9%	1.9%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5509.69.40	10.5%	8.4%	6.3%	4.2%	2.1%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5509.69.60	12.7%	10.2%	7.6%	5.1%	2.5%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5509.91.00	12.7%	10.2%	7.6%	5.1%	2.5%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free

Annex III (con.)
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Section (B). (con.)

Subheading	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
5509.92.00	12.7%	10.2%	7.6%	5.1%	2.5%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5509.99.20	9.7%	7.8%	5.8%	3.9%	1.9%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5509.99.40	10.5%	8.4%	6.3%	4.2%	2.1%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5509.99.60	12.7%	10.2%	7.6%	5.1%	2.5%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5510.11.00	9.9%	8.8%	7.7%	6.6%	5.5%	4.4%	3.3%	2.2%	1.1%	Free	Free	Free	Free	Free	Free
5510.12.00	10.8%	9.6%	8.4%	7.2%	6%	4.8%	3.6%	2.4%	1.2%	Free	Free	Free	Free	Free	Free
5510.20.00	12.7%	10.2%	7.6%	5.1%	2.5%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5510.30.00	12.7%	10.2%	7.6%	5.1%	2.5%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5510.90.20	9.7%	7.8%	5.8%	3.9%	1.9%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5510.90.40	10.5%	8.4%	6.3%	4.2%	2.1%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5510.90.60	12.7%	10.2%	7.6%	5.1%	2.5%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5511.10.00	11.3%	9%	6.7%	4.5%	2.2%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5511.20.00	11.3%	9%	6.7%	4.5%	2.2%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5511.30.00	11.3%	9%	6.7%	4.5%	2.2%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5512.11.00	14.1%	11.2%	8.4%	5.6%	2.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5512.19.00	14.1%	11.2%	8.4%	5.6%	2.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5512.91.00	14.1%	11.2%	8.4%	5.6%	2.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5512.99.00	14.1%	11.2%	8.4%	5.6%	2.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5513.11.00	14.1%	11.2%	8.4%	5.6%	2.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5513.12.00	14.1%	11.2%	8.4%	5.6%	2.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5513.13.00	14.1%	11.2%	8.4%	5.6%	2.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5513.19.00	14.1%	11.2%	8.4%	5.6%	2.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5513.21.00	14.1%	11.2%	8.4%	5.6%	2.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5513.22.00	14.1%	11.2%	8.4%	5.6%	2.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5513.23.00	14.1%	11.2%	8.4%	5.6%	2.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5513.29.00	14.1%	11.2%	8.4%	5.6%	2.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5513.31.00	14.1%	11.2%	8.4%	5.6%	2.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5513.32.00	14.1%	11.2%	8.4%	5.6%	2.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5513.33.00	14.1%	11.2%	8.4%	5.6%	2.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5513.39.00	14.1%	11.2%	8.4%	5.6%	2.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5513.41.00	14.1%	11.2%	8.4%	5.6%	2.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5513.42.00	14.1%	11.2%	8.4%	5.6%	2.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5513.43.00	14.1%	11.2%	8.4%	5.6%	2.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5513.49.00	14.1%	11.2%	8.4%	5.6%	2.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5514.11.00	14.1%	11.2%	8.4%	5.6%	2.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5514.12.00	14.1%	11.2%	8.4%	5.6%	2.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5514.13.00	14.1%	11.2%	8.4%	5.6%	2.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5514.19.00	14.1%	11.2%	8.4%	5.6%	2.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5514.21.00	14.1%	11.2%	8.4%	5.6%	2.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5514.22.00	14.1%	11.2%	8.4%	5.6%	2.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5514.23.00	14.1%	11.2%	8.4%	5.6%	2.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5514.29.00	14.1%	11.2%	8.4%	5.6%	2.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5514.31.00	14.1%	11.2%	8.4%	5.6%	2.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free

Annex III (con.)
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Section (B). (con.)

Subheading	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
5514.32.00	14.1%	11.2%	8.4%	5.6%	2.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5514.33.00	14.1%	11.2%	8.4%	5.6%	2.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5514.39.00	14.1%	11.2%	8.4%	5.6%	2.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5514.41.00	14.1%	11.2%	8.4%	5.6%	2.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5514.42.00	14.1%	11.2%	8.4%	5.6%	2.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5514.43.00	14.1%	11.2%	8.4%	5.6%	2.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5514.49.00	14.1%	11.2%	8.4%	5.6%	2.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5515.11.00	14.1%	11.2%	8.4%	5.6%	2.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5515.12.00	15.3%	13.6%	11.9%	10.2%	8.5%	6.8%	5.1%	3.4%	1.7%	Free	Free	Free	Free	Free	Free
5515.13.05	25%	25%	20%	13.3%	6.7%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5515.13.10	12.8%	11.4%	10%	8.5%	7.1%	5.7%	4.2%	2.8%	1.4%	Free	Free	Free	Free	Free	Free
5515.19.00	14.1%	11.2%	8.4%	5.6%	2.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5515.21.00	14.1%	11.2%	8.4%	5.6%	2.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5515.22.05	25%	25%	20%	13.3%	6.7%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5515.22.10	12.8%	11.4%	10%	8.5%	7.1%	5.7%	4.2%	2.8%	1.4%	Free	Free	Free	Free	Free	Free
5515.29.00	14.1%	11.2%	8.4%	5.6%	2.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5515.91.00	15.3%	13.6%	11.9%	10.2%	8.5%	6.8%	5.1%	3.4%	1.7%	Free	Free	Free	Free	Free	Free
5515.92.05	25%	25%	20%	13.3%	6.7%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5515.92.10	12.8%	11.4%	10%	8.5%	7.1%	5.7%	4.2%	2.8%	1.4%	Free	Free	Free	Free	Free	Free
5515.99.00	14.1%	11.2%	8.4%	5.6%	2.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5516.11.00	15.3%	13.6%	11.9%	10.2%	8.5%	6.8%	5.1%	3.4%	1.7%	Free	Free	Free	Free	Free	Free
5516.12.00	15.3%	13.6%	11.9%	10.2%	8.5%	6.8%	5.1%	3.4%	1.7%	Free	Free	Free	Free	Free	Free
5516.13.00	15.3%	13.6%	11.9%	10.2%	8.5%	6.8%	5.1%	3.4%	1.7%	Free	Free	Free	Free	Free	Free
5516.14.00	15.3%	13.6%	11.9%	10.2%	8.5%	6.8%	5.1%	3.4%	1.7%	Free	Free	Free	Free	Free	Free
5516.21.00	14.1%	11.2%	8.4%	5.6%	2.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5516.22.00	14.1%	11.2%	8.4%	5.6%	2.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5516.23.00	14.1%	11.2%	8.4%	5.6%	2.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5516.24.00	14.1%	11.2%	8.4%	5.6%	2.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5516.31.05	25%	25%	20%	13.3%	6.7%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5516.31.10	12.8%	11.4%	10%	8.5%	7.1%	5.7%	4.2%	2.8%	1.4%	Free	Free	Free	Free	Free	Free
5516.32.05	25%	25%	20%	13.3%	6.7%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5516.32.10	12.8%	11.4%	10%	8.5%	7.1%	5.7%	4.2%	2.8%	1.4%	Free	Free	Free	Free	Free	Free
5516.33.05	25%	25%	20%	13.3%	6.7%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5516.33.10	12.8%	11.4%	10%	8.5%	7.1%	5.7%	4.2%	2.8%	1.4%	Free	Free	Free	Free	Free	Free
5516.34.05	25%	25%	20%	13.3%	6.7%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5516.34.10	12.2%	9.8%	7.3%	4.9%	2.4%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5516.41.00	14.1%	11.2%	8.4%	5.6%	2.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5516.42.00	14.1%	11.2%	8.4%	5.6%	2.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5516.43.00	14.1%	11.2%	8.4%	5.6%	2.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5516.44.00	14.1%	11.2%	8.4%	5.6%	2.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5516.91.00	14.1%	11.2%	8.4%	5.6%	2.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5516.92.00	14.1%	11.2%	8.4%	5.6%	2.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5516.93.00	14.1%	11.2%	8.4%	5.6%	2.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free

Annex III (con.)
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Section (B). (con.)

Subheading	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
5516.94.00	14.1%	11.2%	8.4%	5.6%	2.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5601.10.10	6.6%	5.3%	4%	2.6%	1.3%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5601.10.20	10.9%	8.7%	6.5%	4.3%	2.1%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5602.21.00	12.8%	10.2%	7.6%	5.1%	2.5%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5603.00.10	3.2%	2.6%	1.9%	1.3%	0.6%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5603.00.30	13.4%	10.7%	8%	5.3%	2.6%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5603.00.90	10.9%	8.7%	6.5%	4.3%	2.1%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5604.10.00	6.6%	5.3%	4%	2.6%	1.3%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5604.20.00	9%	7.2%	5.4%	3.6%	1.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5604.90.00	9%	7.2%	5.4%	3.6%	1.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5605.00.00	12.7%	10.2%	7.6%	5.1%	2.5%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5607.49.15	7.3%	5.8%	4.4%	2.9%	1.4%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5607.49.25	20%	17.7%	13.2%	8.8%	4.4%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5607.49.30	6.6%	5.3%	4%	2.6%	1.3%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5607.50.20	16.2%	13%	9.7%	6.5%	3.2%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5607.50.40	6.6%	5.3%	4%	2.6%	1.3%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5608.11.00	14.1%	11.2%	8.4%	5.6%	2.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5608.19.10	14.1%	11.2%	8.4%	5.6%	2.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5608.19.20	9%	7.2%	5.4%	3.6%	1.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5608.90.10	14.1%	11.2%	8.4%	5.6%	2.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5608.90.27	13.4%	10.7%	8%	5.3%	2.6%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5609.00.10	5.4%	4.3%	3.2%	2.1%	1%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5609.00.30	8.1%	6.5%	4.9%	3.2%	1.6%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5609.00.40	7.1%	5.7%	4.3%	2.8%	1.4%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5701.10.16	3.5%	3.1%	2.7%	2.3%	1.9%	1.5%	1.1%	0.7%	0.3%	Free	Free	Free	Free	Free	Free
5701.10.20	4.5%	4%	3.5%	3%	2.5%	2%	1.5%	1%	0.5%	Free	Free	Free	Free	Free	Free
5701.90.10	4.3%	3.8%	3.3%	2.8%	2.4%	1.9%	1.4%	0.9%	0.4%	Free	Free	Free	Free	Free	Free
5701.90.20	5.9%	5.2%	4.6%	3.9%	3.3%	2.6%	1.9%	1.3%	0.6%	Free	Free	Free	Free	Free	Free
5702.10.90	4.4%	3.9%	3.4%	2.9%	2.4%	1.9%	1.4%	0.9%	0.4%	Free	Free	Free	Free	Free	Free
5702.31.10	9%	8%	7%	6%	5%	4%	3%	2%	1%	Free	Free	Free	Free	Free	Free
5702.31.20	7.2%	6.4%	5.6%	4.8%	4%	3.2%	2.4%	1.6%	0.8%	Free	Free	Free	Free	Free	Free
5702.32.10	9%	8%	7%	6%	5%	4%	3%	2%	1%	Free	Free	Free	Free	Free	Free
5702.32.20	7.2%	6.4%	5.6%	4.8%	4%	3.2%	2.4%	1.6%	0.8%	Free	Free	Free	Free	Free	Free
5702.39.20	6.3%	5.6%	4.9%	4.2%	3.5%	2.8%	2.1%	1.4%	0.7%	Free	Free	Free	Free	Free	Free
5702.41.10	9%	8%	7%	6%	5%	4%	3%	2%	1%	Free	Free	Free	Free	Free	Free
5702.41.20	7.2%	6.4%	5.6%	4.8%	4%	3.2%	2.4%	1.6%	0.8%	Free	Free	Free	Free	Free	Free
5702.42.10	9%	8%	7%	6%	5%	4%	3%	2%	1%	Free	Free	Free	Free	Free	Free
5702.42.20	7.2%	6.4%	5.6%	4.8%	4%	3.2%	2.4%	1.6%	0.8%	Free	Free	Free	Free	Free	Free
5702.49.10	3.7%	3.3%	2.9%	2.5%	2.1%	1.6%	1.2%	0.8%	0.4%	Free	Free	Free	Free	Free	Free
5702.49.20	7.2%	6.4%	5.6%	4.8%	4%	3.2%	2.4%	1.6%	0.8%	Free	Free	Free	Free	Free	Free
5702.51.20	4.4%	3.9%	3.4%	2.9%	2.4%	1.9%	1.4%	0.9%	0.4%	Free	Free	Free	Free	Free	Free
5702.51.40	6.4%	5.7%	5%	4.3%	3.6%	2.8%	2.1%	1.4%	0.7%	Free	Free	Free	Free	Free	Free
5702.52.00	4.7%	4.2%	3.7%	3.1%	2.6%	2.1%	1.5%	1%	0.5%	Free	Free	Free	Free	Free	Free

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Section (B). (con.)

Subheading	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
5702.59.10	6.9%	6.1%	5.3%	4.6%	3.8%	3%	2.3%	1.5%	0.7%	Free	Free	Free	Free	Free	Free
5702.59.20	4.7%	4.2%	3.7%	3.1%	2.6%	2.1%	1.5%	1%	0.5%	Free	Free	Free	Free	Free	Free
5702.91.30	4.4%	3.9%	3.4%	2.9%	2.4%	1.9%	1.4%	0.9%	0.4%	Free	Free	Free	Free	Free	Free
5702.91.40	6.4%	5.7%	5%	4.3%	3.6%	2.8%	2.1%	1.4%	0.7%	Free	Free	Free	Free	Free	Free
5702.92.00	4.7%	4.2%	3.7%	3.1%	2.6%	2.1%	1.5%	1%	0.5%	Free	Free	Free	Free	Free	Free
5702.99.10	6.9%	6.1%	5.3%	4.6%	3.8%	3%	2.3%	1.5%	0.7%	Free	Free	Free	Free	Free	Free
5703.10.00	6.3%	5.6%	4.9%	4.2%	3.5%	2.8%	2.1%	1.4%	0.7%	Free	Free	Free	Free	Free	Free
5703.20.10	5.9%	5.2%	4.6%	3.9%	3.3%	2.6%	1.9%	1.3%	0.6%	Free	Free	Free	Free	Free	Free
5703.20.20	6.8%	6%	5.3%	4.5%	3.8%	3%	2.2%	1.5%	0.7%	Free	Free	Free	Free	Free	Free
5703.30.00	6.8%	6%	5.3%	4.5%	3.8%	3%	2.2%	1.5%	0.7%	Free	Free	Free	Free	Free	Free
5704.10.00	4.7%	4.2%	3.7%	3.1%	2.6%	2.1%	1.5%	1%	0.5%	Free	Free	Free	Free	Free	Free
5704.90.00	4.7%	4.2%	3.7%	3.1%	2.6%	2.1%	1.5%	1%	0.5%	Free	Free	Free	Free	Free	Free
5705.00.20	5.8%	5.2%	4.5%	3.9%	3.2%	2.6%	1.9%	1.3%	0.6%	Free	Free	Free	Free	Free	Free
5801.10.00	5.1%	4%	3%	2%	1%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5801.21.00	17.7%	14.1%	10.6%	7%	3.5%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5801.22.00	17.7%	14.1%	10.6%	7%	3.5%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5801.23.00	16%	12.8%	9.6%	6.4%	3.2%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5801.24.00	16.5%	13.2%	9.9%	6.6%	3.3%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5801.26.00	11%	8.8%	6.6%	4.4%	2.2%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5801.31.00	15.6%	12.5%	9.4%	6.2%	3.1%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5801.32.00	15.6%	12.5%	9.4%	6.2%	3.1%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5801.33.00	15.6%	12.5%	9.4%	6.2%	3.1%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5801.34.00	15.6%	12.5%	9.4%	6.2%	3.1%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5801.36.00	15.6%	12.5%	9.4%	6.2%	3.1%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5802.11.00	9.8%	7.8%	5.9%	3.9%	1.9%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5802.19.00	9.8%	7.8%	5.9%	3.9%	1.9%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5802.20.00	15.6%	12.5%	9.4%	6.2%	3.1%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5802.30.00	6.5%	5.2%	3.9%	2.6%	1.3%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5803.10.00	10%	8%	6%	4%	2%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5803.90.11	6.5%	5.2%	3.9%	2.6%	1.3%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5803.90.12	20%	17.6%	13.2%	8.8%	4.4%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5803.90.20	2.9%	2.3%	1.7%	1.1%	0.5%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5803.90.30	14.1%	11.2%	8.4%	5.6%	2.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5803.90.40	4.7%	3.8%	2.8%	1.9%	0.9%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5804.30.00	12.7%	10.2%	7.6%	5.1%	2.5%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5805.00.30	6.6%	5.3%	4%	2.6%	1.3%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5805.00.40	7.3%	5.8%	4.4%	2.9%	1.4%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5806.10.10	8.1%	6.4%	4.8%	3.2%	1.6%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5806.10.20	8.5%	6.8%	5.1%	3.4%	1.7%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5806.10.30	6.9%	5.5%	4.1%	2.7%	1.3%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5806.20.00	7.3%	5.8%	4.4%	2.9%	1.4%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5806.31.00	9%	7.2%	5.4%	3.6%	1.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5806.32.10	8.1%	6.5%	4.9%	3.2%	1.6%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free

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Section (B). (con.)

Subheading	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
5806.32.20	6.5%	5.2%	3.9%	2.6%	1.3%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5806.40.00	13.4%	10.7%	8%	5.3%	2.6%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5807.10.10	8.1%	6.5%	4.9%	3.2%	1.6%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5807.10.20	6.1%	4.9%	3.6%	2.4%	1.2%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5807.90.10	8.1%	6.5%	4.9%	3.2%	1.6%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5807.90.20	6.1%	4.9%	3.6%	2.4%	1.2%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5808.10.30	7.6%	6.1%	4.6%	3%	1.5%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5808.90.00	7.1%	5.7%	4.3%	2.8%	1.4%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5809.00.00	14.1%	11.2%	8.4%	5.6%	2.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5810.10.00	13.4%	10.7%	8%	5.3%	2.6%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5811.00.10	12.7%	10.2%	7.6%	5.1%	2.5%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5811.00.20	6.6%	5.3%	4%	2.6%	1.3%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5811.00.30	13.4%	10.7%	8%	5.3%	2.6%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5811.00.40	4.2%	3.3%	2.5%	1.6%	0.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5901.10.10	7.3%	5.8%	4.4%	2.9%	1.4%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5901.10.20	4.4%	3.5%	2.6%	1.7%	0.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5901.90.20	7.3%	5.8%	4.4%	2.9%	1.4%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5901.90.40	4.4%	3.5%	2.6%	1.7%	0.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5902.10.00	5.9%	5.2%	4.6%	3.9%	3.3%	2.6%	1.9%	1.3%	0.6%	Free	Free	Free	Free	Free	Free
5902.20.00	5.9%	5.2%	4.6%	3.9%	3.3%	2.6%	1.9%	1.3%	0.6%	Free	Free	Free	Free	Free	Free
5902.90.00	5.9%	5.2%	4.6%	3.9%	3.3%	2.6%	1.9%	1.3%	0.6%	Free	Free	Free	Free	Free	Free
5903.10.18	13.4%	10.7%	8%	5.3%	2.6%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5903.10.25	7.7%	6.2%	4.6%	3.1%	1.5%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5903.10.30	5%	4%	3%	2%	1%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5903.20.10	5%	4%	3%	2%	1%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5903.20.18	13.4%	10.7%	8%	5.3%	2.6%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5903.20.25	7.7%	6.2%	4.6%	3.1%	1.5%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5903.20.30	5%	4%	3%	2%	1%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5903.90.18	13.4%	10.7%	8%	5.3%	2.6%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5903.90.25	7.7%	6.2%	4.6%	3.1%	1.5%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5903.90.30	5%	4%	3%	2%	1%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5905.00.90	10.9%	8.7%	6.5%	4.3%	2.1%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5906.91.10	5%	4%	3%	2%	1%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5906.91.25	7.7%	6.2%	4.6%	3.1%	1.5%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5906.91.30	5%	4%	3%	2%	1%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5906.99.10	5%	4%	3%	2%	1%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5906.99.25	7.7%	6.2%	4.6%	3.1%	1.5%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5906.99.30	6.1%	4.9%	3.6%	2.4%	1.2%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5907.00.20	13.4%	10.7%	8%	5.3%	2.6%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5907.00.40	13.4%	10.7%	8%	5.3%	2.6%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5907.00.60	5.4%	4.3%	3.4%	2.3%	1.1%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5907.00.80	5.4%	4.3%	3.4%	2.3%	1.1%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5908.00.00	6.3%	5%	3.8%	2.5%	1.2%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free

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Section (B). (con.)

Subheading	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
5909.00.20	6%	4.8%	3.6%	2.4%	1.2%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5910.00.90	4.8%	3.8%	2.9%	1.9%	0.9%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5911.31.00	6.9%	5.5%	4.1%	2.7%	1.3%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
5911.32.00	6.9%	5.5%	4.1%	2.7%	1.3%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6001.10.20	15.6%	12.5%	9.4%	6.2%	3.1%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6001.10.60	9.8%	7.8%	5.9%	3.9%	1.9%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6001.21.00	9.8%	7.8%	5.9%	3.9%	1.9%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6001.22.00	15.6%	12.5%	9.4%	6.2%	3.1%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6001.29.00	7.3%	5.8%	4.4%	2.9%	1.4%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6001.91.00	16.5%	13.2%	9.9%	6.6%	3.3%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6001.92.00	15.6%	12.5%	9.4%	6.2%	3.1%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6001.99.00	7.3%	5.8%	4.4%	2.9%	1.4%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6002.10.40	9%	7.2%	5.4%	3.6%	1.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6002.10.80	8.4%	6.7%	5%	3.3%	1.6%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6002.20.10	13.4%	10.7%	8%	5.3%	2.6%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6002.20.30	9%	7.2%	5.4%	3.6%	1.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6002.20.60	7.8%	6.2%	4.7%	3.1%	1.5%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6002.20.90	6.9%	5.5%	4.1%	2.7%	1.3%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6002.30.20	12%	9.6%	7.2%	4.8%	2.4%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6002.30.90	7.3%	5.8%	4.4%	2.9%	1.4%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6002.41.00	15.3%	12.3%	9.2%	6.1%	3%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6002.42.00	12%	9.6%	7.2%	4.8%	2.4%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6002.43.00	12%	9.6%	7.2%	4.8%	2.4%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6002.49.00	12%	9.6%	7.2%	4.8%	2.4%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6002.91.00	15.3%	12.3%	9.2%	6.1%	3%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6002.92.10	12%	9.6%	7.2%	4.8%	2.4%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6002.92.90	12%	9.6%	7.2%	4.8%	2.4%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6002.93.00	12%	9.6%	7.2%	4.8%	2.4%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6002.99.00	12%	9.6%	7.2%	4.8%	2.4%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6101.10.00	16.8%	13.4%	10%	6.7%	3.3%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6101.20.00	14%	11.2%	8.4%	5.6%	2.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6101.30.15	16.8%	13.5%	10.1%	6.7%	3.3%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6101.90.00	5.7%	4.5%	3.4%	2.2%	1.1%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6102.10.00	20%	18%	15.8%	13.5%	11.3%	9%	6.7%	4.5%	2.2%	Free	Free	Free	Free	Free	Free
6102.20.00	14%	11.2%	8.4%	5.6%	2.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6102.30.10	19%	16.9%	14.8%	12.7%	10.6%	8.4%	6.3%	4.2%	2.1%	Free	Free	Free	Free	Free	Free
6102.90.00	5.7%	4.5%	3.4%	2.2%	1.1%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6103.11.00	16.6%	13.3%	9.9%	6.6%	3.3%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6103.12.10	17.3%	13.8%	10.3%	6.9%	3.4%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6103.12.20	20%	16.8%	12.6%	8.4%	4.2%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6103.19.10	16.2%	13%	9.7%	6.5%	3.2%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6103.19.15	20%	16.8%	12.6%	8.4%	4.2%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6103.19.20	15.2%	12.1%	9.1%	6%	3%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free

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Section (B). (con.)

Subheading	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
6103.19.40	5.6%	4.5%	3.3%	2.2%	1.1%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6103.31.00	18.8%	16.7%	14.6%	12.5%	10.4%	8.3%	6.2%	4.1%	2%	Free	Free	Free	Free	Free	Free
6103.32.00	14%	11.2%	8.4%	5.6%	2.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6103.33.10	18.7%	16.6%	14.5%	12.4%	10.4%	8.3%	6.2%	4.1%	2%	Free	Free	Free	Free	Free	Free
6103.33.20	20%	16.8%	12.6%	8.4%	4.2%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6103.39.10	20%	16.8%	12.6%	8.4%	4.2%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6103.39.20	5.6%	4.5%	3.3%	2.2%	1.1%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6103.41.10	16.9%	13.5%	10.1%	6.7%	3.3%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6103.41.20	14.1%	11.2%	8.4%	5.6%	2.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6103.42.10	14.1%	11.3%	8.5%	5.6%	2.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6103.43.10	17.1%	13.6%	10.2%	6.8%	3.4%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6103.49.30	5.6%	4.5%	3.3%	2.2%	1.1%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6104.11.00	15.3%	13.6%	11.9%	10.2%	8.5%	6.8%	5.1%	3.4%	1.7%	Free	Free	Free	Free	Free	Free
6104.12.00	15.2%	12.2%	9.1%	6.1%	3%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6104.13.10	15.3%	13.6%	11.9%	10.2%	8.5%	6.8%	5.1%	3.4%	1.7%	Free	Free	Free	Free	Free	Free
6104.13.20	20%	16.8%	12.6%	8.4%	4.2%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6104.19.10	15.3%	13.6%	11.9%	10.2%	8.5%	6.8%	5.1%	3.4%	1.7%	Free	Free	Free	Free	Free	Free
6104.19.15	20%	16.8%	12.6%	8.4%	4.2%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6104.19.20	5.6%	4.5%	3.3%	2.2%	1.1%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6104.31.00	18.9%	16.8%	14.7%	12.6%	10.5%	8.4%	6.3%	4.2%	2.1%	Free	Free	Free	Free	Free	Free
6104.32.00	14%	11.2%	8.4%	5.6%	2.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6104.33.10	19%	16.9%	14.8%	12.7%	10.6%	8.4%	6.3%	4.2%	2.1%	Free	Free	Free	Free	Free	Free
6104.33.20	20%	16.8%	12.6%	8.4%	4.2%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6104.39.10	20%	16.8%	12.6%	8.4%	4.2%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6104.39.20	5.6%	4.5%	3.3%	2.2%	1.1%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6104.41.00	15.3%	13.6%	11.9%	10.2%	8.5%	6.8%	5.1%	3.4%	1.7%	Free	Free	Free	Free	Free	Free
6104.42.00	10.7%	8.5%	6.4%	4.2%	2.1%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6104.43.10	15.3%	13.6%	11.9%	10.2%	8.5%	6.8%	5.1%	3.4%	1.7%	Free	Free	Free	Free	Free	Free
6104.43.20	14.1%	11.2%	8.4%	5.6%	2.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6104.44.10	15.3%	13.6%	11.9%	10.2%	8.5%	6.8%	5.1%	3.4%	1.7%	Free	Free	Free	Free	Free	Free
6104.44.20	14.1%	11.2%	8.4%	5.6%	2.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6104.49.00	5.6%	4.5%	3.3%	2.2%	1.1%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6104.51.00	15.3%	13.6%	11.9%	10.2%	8.5%	6.8%	5.1%	3.4%	1.7%	Free	Free	Free	Free	Free	Free
6104.52.00	8%	6.4%	4.8%	3.2%	1.6%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6104.53.10	15.3%	13.6%	11.9%	10.2%	8.5%	6.8%	5.1%	3.4%	1.7%	Free	Free	Free	Free	Free	Free
6104.53.20	14.1%	11.2%	8.4%	5.6%	2.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6104.59.10	14.1%	11.2%	8.4%	5.6%	2.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6104.59.20	5.6%	4.5%	3.3%	2.2%	1.1%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6104.61.00	15.3%	13.6%	11.9%	10.2%	8.5%	6.8%	5.1%	3.4%	1.7%	Free	Free	Free	Free	Free	Free
6104.62.20	13.9%	11.1%	8.3%	5.5%	2.7%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6104.63.15	15.3%	13.6%	11.9%	10.2%	8.5%	6.8%	5.1%	3.4%	1.7%	Free	Free	Free	Free	Free	Free
6104.69.30	5.6%	4.5%	3.3%	2.2%	1.1%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6105.10.00	16.5%	13.2%	9.9%	6.6%	3.3%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free

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Section (B). (con.)

Subheading	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
6105.20.10	14.1%	11.2%	8.4%	5.6%	2.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6105.20.20	20%	18.1%	13.5%	9%	4.5%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6105.90.10	14.1%	11.2%	8.4%	5.6%	2.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6105.90.30	5.6%	4.5%	3.3%	2.2%	1.1%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6106.10.00	16.5%	13.2%	9.9%	6.6%	3.3%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6106.20.10	15.3%	13.6%	11.9%	10.2%	8.5%	6.8%	5.1%	3.4%	1.7%	Free	Free	Free	Free	Free	Free
6106.20.20	20%	18.1%	13.5%	9%	4.5%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6106.90.10	15.3%	13.6%	11.9%	10.2%	8.5%	6.8%	5.1%	3.4%	1.7%	Free	Free	Free	Free	Free	Free
6106.90.20	5.6%	4.5%	3.3%	2.2%	1.1%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6106.90.30	4.7%	3.8%	2.8%	1.9%	0.9%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6107.21.00	8.5%	6.8%	5.1%	3.4%	1.7%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6107.22.00	14.1%	11.2%	8.4%	5.6%	2.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6107.29.20	14.1%	11.2%	8.4%	5.6%	2.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6107.29.40	5.6%	4.5%	3.3%	2.2%	1.1%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6107.91.00	8.4%	6.7%	5%	3.3%	1.6%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6107.92.00	14.1%	11.2%	8.4%	5.6%	2.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6107.99.20	14.1%	11.2%	8.4%	5.6%	2.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6107.99.40	4.8%	3.8%	2.9%	1.9%	0.9%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6108.31.00	8.1%	6.5%	4.9%	3.2%	1.6%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6108.32.00	14.1%	11.2%	8.4%	5.6%	2.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6108.39.10	15.3%	13.6%	11.9%	10.2%	8.5%	6.8%	5.1%	3.4%	1.7%	Free	Free	Free	Free	Free	Free
6108.91.00	8.1%	6.5%	4.9%	3.2%	1.6%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6108.92.00	14.1%	11.2%	8.4%	5.6%	2.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6108.99.20	15.3%	13.6%	11.9%	10.2%	8.5%	6.8%	5.1%	3.4%	1.7%	Free	Free	Free	Free	Free	Free
6109.90.15	5.6%	4.5%	3.3%	2.2%	1.1%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6109.90.20	14.1%	11.2%	8.4%	5.6%	2.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6110.10.10	6.7%	6%	5.2%	4.5%	3.7%	3%	2.2%	1.5%	0.7%	Free	Free	Free	Free	Free	Free
6110.10.20	15.3%	13.6%	11.9%	10.2%	8.5%	6.8%	5.1%	3.4%	1.7%	Free	Free	Free	Free	Free	Free
6110.30.15	15.3%	13.6%	11.9%	10.2%	8.5%	6.8%	5.1%	3.4%	1.7%	Free	Free	Free	Free	Free	Free
6111.10.00	14.1%	11.2%	8.4%	5.6%	2.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6111.20.10	16.5%	13.2%	9.9%	6.6%	3.3%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6111.20.20	16.5%	13.2%	9.9%	6.6%	3.3%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6111.20.30	16.5%	13.2%	9.9%	6.6%	3.3%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6111.20.40	10.7%	8.5%	6.4%	4.2%	2.1%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6111.20.50	13.9%	11.1%	8.3%	5.5%	2.7%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6111.20.60	7.8%	6.2%	4.7%	3.1%	1.5%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6111.30.10	20%	16.8%	12.6%	8.4%	4.2%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6111.30.20	20%	18.1%	13.5%	9%	4.5%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6111.30.30	20%	18.1%	13.5%	9%	4.5%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6111.30.40	20%	18.1%	13.5%	9%	4.5%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6111.30.50	14.1%	11.2%	8.4%	5.6%	2.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6111.90.10	20%	16.8%	12.6%	8.4%	4.2%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6111.90.20	20%	18.1%	13.5%	9%	4.5%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free

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Section (B). (con.)

Subheading	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
6111.90.30	20%	18.1%	13.5%	9%	4.5%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6111.90.40	20%	18.1%	13.5%	9%	4.5%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6111.90.50	14.1%	11.2%	8.4%	5.6%	2.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6111.90.60	5.6%	4.5%	3.3%	2.2%	1.1%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6112.11.00	14.1%	11.2%	8.4%	5.6%	2.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6112.19.20	17.7%	14.1%	10.6%	7%	3.5%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6112.20.20	13.7%	11%	8.2%	5.5%	2.7%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6113.00.00	7%	5.6%	4.2%	2.8%	1.4%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6114.10.00	15.3%	13.6%	11.9%	10.2%	8.5%	6.8%	5.1%	3.4%	1.7%	Free	Free	Free	Free	Free	Free
6114.90.00	5.6%	4.5%	3.3%	2.2%	1.1%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6115.11.00	14.1%	11.2%	8.4%	5.6%	2.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6115.12.00	14.1%	11.2%	8.4%	5.6%	2.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6115.19.00	14.1%	11.2%	8.4%	5.6%	2.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6115.20.00	14.9%	11.9%	8.9%	5.9%	2.9%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6115.91.00	10.5%	8.4%	6.3%	4.2%	2.1%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6115.92.10	16%	12.8%	9.6%	6.4%	3.2%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6115.92.20	12.3%	9.8%	7.3%	4.9%	2.4%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6115.93.10	16%	12.8%	9.6%	6.4%	3.2%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6115.93.20	13%	10.4%	7.8%	5.2%	2.6%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6115.99.14	16%	12.8%	9.6%	6.4%	3.2%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6115.99.18	13%	10.4%	7.8%	5.2%	2.6%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6115.99.20	9.3%	7.5%	5.6%	3.7%	1.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6116.10.13	18.7%	15%	11.2%	7.5%	3.7%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6116.10.17	18.7%	15%	11.2%	7.5%	3.7%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6116.10.45	15.8%	12.7%	9.5%	6.3%	3.1%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6116.10.70	12%	9.6%	7.2%	4.8%	2.4%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6116.10.90	12%	9.6%	7.2%	4.8%	2.4%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6116.92.64	18.7%	15%	11.2%	7.5%	3.7%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6116.92.74	18.7%	15%	11.2%	7.5%	3.7%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6116.92.88	9%	7.2%	5.4%	3.6%	1.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6116.92.94	9%	7.2%	5.4%	3.6%	1.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6116.93.88	15.8%	12.7%	9.5%	6.3%	3.1%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6116.93.94	15.8%	12.7%	9.5%	6.3%	3.1%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6116.99.48	16%	12.8%	9.6%	6.4%	3.2%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6116.99.54	16%	12.8%	9.6%	6.4%	3.2%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6116.99.80	3.8%	3%	2.3%	1.5%	0.7%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6117.10.10	9.1%	8.1%	7.1%	6.1%	5.1%	4%	3%	2%	1%	Free	Free	Free	Free	Free	Free
6117.10.20	10.5%	8.4%	6.3%	4.2%	2.1%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6117.10.60	9%	7.2%	5.4%	3.6%	1.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6117.20.00	7.5%	6%	4.5%	3%	1.5%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6117.80.00	13%	10.4%	7.8%	5.2%	2.6%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6117.90.00	13%	10.4%	7.8%	5.2%	2.6%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6201.11.00	17.1%	13.7%	10.2%	6.8%	3.4%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free

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Section (B). (con.)

Subheading	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
6201.12.20	9%	7.2%	5.4%	3.6%	1.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6201.13.30	18.7%	15%	11.2%	7.5%	3.7%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6201.91.10	14.1%	11.2%	8.4%	5.6%	2.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6201.91.20	17.4%	13.9%	10.4%	6.9%	3.4%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6201.92.15	6.1%	4.9%	3.6%	2.4%	1.2%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6201.92.20	9%	7.2%	5.4%	3.6%	1.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6201.93.25	17.7%	14.2%	10.6%	7.1%	3.5%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6202.11.00	20%	18.7%	16.3%	14%	11.7%	9.3%	7%	4.6%	2.3%	Free	Free	Free	Free	Free	Free
6202.12.20	8.5%	6.8%	5.1%	3.4%	1.7%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6202.13.30	20%	19.4%	17%	14.5%	12.1%	9.7%	7.2%	4.8%	2.4%	Free	Free	Free	Free	Free	Free
6202.91.10	15.3%	13.6%	11.9%	10.2%	8.5%	6.8%	5.1%	3.4%	1.7%	Free	Free	Free	Free	Free	Free
6202.91.20	20%	18.3%	16%	13.7%	11.4%	9.1%	6.8%	4.5%	2.2%	Free	Free	Free	Free	Free	Free
6202.92.15	6.1%	4.9%	3.6%	2.4%	1.2%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6202.92.20	8.5%	6.8%	5.1%	3.4%	1.7%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6202.93.40	19.8%	17.6%	15.4%	13.2%	11%	8.8%	6.6%	4.4%	2.2%	Free	Free	Free	Free	Free	Free
6203.11.10	6.9%	5.5%	4.1%	2.7%	1.3%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6203.11.20	17%	13.6%	10.2%	6.8%	3.4%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6203.12.10	17.1%	13.6%	10.2%	6.8%	3.4%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6203.12.20	20%	16.4%	12.3%	8.2%	4.1%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6203.19.10	13.7%	11%	8.2%	5.5%	2.7%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6203.19.20	16.9%	13.5%	10.1%	6.7%	3.3%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6203.19.30	20%	16.4%	12.3%	8.2%	4.1%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6203.19.40	6.9%	5.5%	4.1%	2.7%	1.3%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6203.22.10	7.3%	5.8%	4.4%	2.9%	1.4%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6203.31.00	19.8%	17.6%	15.4%	13.2%	11%	8.8%	6.6%	4.4%	2.2%	Free	Free	Free	Free	Free	Free
6203.32.10	2.9%	2.3%	1.7%	1.1%	0.5%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6203.32.20	9%	7.2%	5.4%	3.6%	1.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6203.33.10	19.8%	17.6%	15.4%	13.2%	11%	8.8%	6.6%	4.4%	2.2%	Free	Free	Free	Free	Free	Free
6203.33.20	20%	16.4%	12.3%	8.2%	4.1%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6203.39.10	19.8%	17.6%	15.4%	13.2%	11%	8.8%	6.6%	4.4%	2.2%	Free	Free	Free	Free	Free	Free
6203.39.20	20%	16.4%	12.3%	8.2%	4.1%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6203.39.40	6.4%	5.1%	3.8%	2.5%	1.2%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6203.41.10	17.3%	13.9%	10.4%	6.9%	3.4%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6203.41.20	14.1%	11.2%	8.4%	5.6%	2.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6203.42.40	14.5%	11.6%	8.7%	5.8%	2.9%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6203.43.30	17.5%	14%	10.5%	7%	3.5%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6204.11.00	15.3%	13.6%	11.9%	10.2%	8.5%	6.8%	5.1%	3.4%	1.7%	Free	Free	Free	Free	Free	Free
6204.12.00	14.1%	11.3%	8.5%	5.6%	2.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6204.13.10	15.3%	13.6%	11.9%	10.2%	8.5%	6.8%	5.1%	3.4%	1.7%	Free	Free	Free	Free	Free	Free
6204.13.20	20%	16.3%	12.2%	8.1%	4%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6204.19.10	15.3%	13.6%	11.9%	10.2%	8.5%	6.8%	5.1%	3.4%	1.7%	Free	Free	Free	Free	Free	Free
6204.19.20	20%	16.3%	12.2%	8.1%	4%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6204.19.30	6.4%	5.1%	3.8%	2.5%	1.2%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free

Annex III (con.)
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Section (B). (con.)

Subheading	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
6204.22.10	7.3%	5.8%	4.4%	2.9%	1.4%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6204.31.10	6.7%	6%	5.2%	4.5%	3.7%	3%	2.2%	1.5%	0.7%	Free	Free	Free	Free	Free	Free
6204.31.20	20%	18%	15.7%	13.5%	11.2%	9%	6.7%	4.5%	2.2%	Free	Free	Free	Free	Free	Free
6204.32.10	2.9%	2.3%	1.7%	1.1%	0.5%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6204.32.20	9%	7.2%	5.4%	3.6%	1.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6204.33.10	6.9%	5.5%	4.1%	2.7%	1.3%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6204.33.40	19.9%	17.7%	15.5%	13.3%	11.1%	8.8%	6.6%	4.4%	2.2%	Free	Free	Free	Free	Free	Free
6204.33.50	20%	16.4%	12.3%	8.2%	4.1%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6204.39.20	20%	17.9%	15.6%	13.4%	11.2%	8.9%	6.7%	4.4%	2.2%	Free	Free	Free	Free	Free	Free
6204.39.30	20%	16.4%	12.3%	8.2%	4.1%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6204.39.80	6.2%	5%	3.7%	2.5%	1.2%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6204.41.10	6.9%	6.1%	5.3%	4.6%	3.8%	3%	2.3%	1.5%	0.7%	Free	Free	Free	Free	Free	Free
6204.41.20	15.3%	13.6%	11.9%	10.2%	8.5%	6.8%	5.1%	3.4%	1.7%	Free	Free	Free	Free	Free	Free
6204.42.20	5.5%	4.4%	3.3%	2.2%	1.1%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6204.42.30	11%	8.8%	6.6%	4.4%	2.2%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6204.43.20	6.9%	5.5%	4.1%	2.7%	1.3%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6204.43.30	15.3%	13.6%	11.9%	10.2%	8.5%	6.8%	5.1%	3.4%	1.7%	Free	Free	Free	Free	Free	Free
6204.43.40	14.1%	11.2%	8.4%	5.6%	2.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6204.44.30	15.3%	13.6%	11.9%	10.2%	8.5%	6.8%	5.1%	3.4%	1.7%	Free	Free	Free	Free	Free	Free
6204.44.40	14.1%	11.2%	8.4%	5.6%	2.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6204.49.50	6.9%	5.5%	4.1%	2.7%	1.3%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6204.51.00	15.3%	13.6%	11.9%	10.2%	8.5%	6.8%	5.1%	3.4%	1.7%	Free	Free	Free	Free	Free	Free
6204.52.20	7.9%	6.3%	4.7%	3.1%	1.5%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6204.53.20	15.3%	13.6%	11.9%	10.2%	8.5%	6.8%	5.1%	3.4%	1.7%	Free	Free	Free	Free	Free	Free
6204.53.30	14.1%	11.2%	8.4%	5.6%	2.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6204.59.20	15.3%	13.6%	11.9%	10.2%	8.5%	6.8%	5.1%	3.4%	1.7%	Free	Free	Free	Free	Free	Free
6204.59.30	14.1%	11.2%	8.4%	5.6%	2.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6204.59.40	6.6%	5.3%	4%	2.6%	1.3%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6204.61.00	15.3%	13.6%	11.9%	10.2%	8.5%	6.8%	5.1%	3.4%	1.7%	Free	Free	Free	Free	Free	Free
6204.62.40	14.5%	11.6%	8.7%	5.8%	2.9%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6204.63.25	15.3%	13.6%	11.9%	10.2%	8.5%	6.8%	5.1%	3.4%	1.7%	Free	Free	Free	Free	Free	Free
6204.69.20	15.3%	13.6%	11.9%	10.2%	8.5%	6.8%	5.1%	3.4%	1.7%	Free	Free	Free	Free	Free	Free
6204.69.30	6.9%	5.5%	4.1%	2.7%	1.3%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6205.10.20	18%	14.4%	10.8%	7.2%	3.6%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6205.20.20	16.5%	13.2%	9.9%	6.6%	3.3%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6205.30.15	18%	14.4%	10.8%	7.2%	3.6%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6205.30.20	20%	16.5%	12.4%	8.2%	4.1%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6205.90.20	6.9%	5.5%	4.1%	2.7%	1.3%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6206.10.00	6.7%	6%	5.2%	4.5%	3.7%	3%	2.2%	1.5%	0.7%	Free	Free	Free	Free	Free	Free
6206.20.20	6.8%	6%	5.3%	4.5%	3.8%	3%	2.2%	1.5%	0.7%	Free	Free	Free	Free	Free	Free
6206.20.30	19.5%	17.3%	15.1%	13%	10.8%	8.6%	6.5%	4.3%	2.1%	Free	Free	Free	Free	Free	Free
6206.40.20	7.3%	5.8%	4.4%	2.9%	1.4%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6206.40.25	20%	18%	15.8%	13.5%	11.3%	9%	6.7%	4.5%	2.2%	Free	Free	Free	Free	Free	Free

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Section (B). (con.)

Subheading	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
6206.40.30	20%	16.3%	12.2%	8.1%	4%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6206.90.00	6.5%	5.2%	3.9%	2.6%	1.3%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6207.21.00	8.5%	6.8%	5.1%	3.4%	1.7%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6207.22.00	14.1%	11.2%	8.4%	5.6%	2.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6207.29.00	6.9%	5.5%	4.1%	2.7%	1.3%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6207.91.10	8.5%	6.8%	5.1%	3.4%	1.7%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6207.91.30	6%	4.8%	3.6%	2.4%	1.2%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6207.92.20	14.1%	11.2%	8.4%	5.6%	2.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6207.92.40	9.9%	7.9%	5.9%	3.9%	1.9%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6207.99.20	14.1%	11.2%	8.4%	5.6%	2.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6207.99.40	6%	4.8%	3.6%	2.4%	1.2%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6207.99.60	6.9%	5.5%	4.1%	2.7%	1.3%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6208.11.00	14.1%	11.2%	8.4%	5.6%	2.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6208.21.00	8.5%	6.8%	5.1%	3.4%	1.7%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6208.22.00	14.1%	11.2%	8.4%	5.6%	2.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6208.29.00	6.9%	5.5%	4.1%	2.7%	1.3%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6208.91.10	7.7%	6.2%	4.6%	3.1%	1.5%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6208.91.30	10.4%	8.3%	6.2%	4.1%	2%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6208.99.20	15.3%	13.6%	11.9%	10.2%	8.5%	6.8%	5.1%	3.4%	1.7%	Free	Free	Free	Free	Free	Free
6208.99.60	6.9%	5.5%	4.1%	2.7%	1.3%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6209.10.00	16.9%	13.5%	10.1%	6.7%	3.3%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6209.20.10	11%	8.8%	6.6%	4.4%	2.2%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6209.20.20	13.7%	11%	8.2%	5.5%	2.7%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6209.20.30	14.5%	11.6%	8.7%	5.8%	2.9%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6209.20.50	8.9%	7.1%	5.3%	3.5%	1.7%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6209.30.10	20%	16.3%	12.2%	8.1%	4%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6209.30.20	20%	16.9%	12.6%	8.4%	4.2%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6209.30.30	14.1%	11.2%	8.4%	5.6%	2.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6209.90.10	20%	16.3%	12.2%	8.1%	4%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6209.90.20	20%	16.9%	12.6%	8.4%	4.2%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6209.90.30	14.1%	11.2%	8.4%	5.6%	2.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6209.90.40	2.9%	2.3%	1.7%	1.1%	0.5%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6210.10.20	5.2%	4.2%	3.1%	2.1%	1%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6210.10.40	14.1%	11.2%	8.4%	5.6%	2.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6210.20.10	7%	5.6%	4.2%	2.8%	1.4%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6210.20.20	6.1%	4.9%	3.6%	2.4%	1.2%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6210.30.10	7%	5.6%	4.2%	2.8%	1.4%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6210.30.20	6.1%	4.9%	3.6%	2.4%	1.2%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6210.40.10	7%	5.6%	4.2%	2.8%	1.4%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6210.40.20	6.1%	4.9%	3.6%	2.4%	1.2%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6210.50.10	7%	5.6%	4.2%	2.8%	1.4%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6210.50.20	6.1%	4.9%	3.6%	2.4%	1.2%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6211.20.15	7%	5.6%	4.2%	2.8%	1.4%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free

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Section (B). (con.)

Subheading	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
6211.20.40	14.1%	11.2%	8.4%	5.6%	2.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6211.20.70	14.1%	11.2%	8.4%	5.6%	2.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6211.31.00	14.1%	11.2%	8.4%	5.6%	2.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6211.32.00	7.8%	6.2%	4.7%	3.1%	1.5%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6211.33.00	14.1%	11.2%	8.4%	5.6%	2.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6211.39.00	2.9%	2.3%	1.7%	1.1%	0.5%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6211.41.00	15.3%	13.6%	11.9%	10.2%	8.5%	6.8%	5.1%	3.4%	1.7%	Free	Free	Free	Free	Free	Free
6211.43.00	14.1%	11.2%	8.4%	5.6%	2.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6211.49.00	7.1%	5.7%	4.3%	2.8%	1.4%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6212.90.00	6.5%	5.2%	3.9%	2.6%	1.3%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6213.10.20	6.9%	5.5%	4.1%	2.7%	1.3%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6213.90.10	10.1%	8.1%	6.1%	4%	2%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6213.90.20	9.5%	7.6%	5.7%	3.8%	1.9%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6214.10.20	7.1%	5.6%	4.2%	2.8%	1.4%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6214.20.00	11.9%	10.6%	9.3%	7.9%	6.6%	5.3%	3.9%	2.6%	1.3%	Free	Free	Free	Free	Free	Free
6214.30.00	9.4%	7.5%	5.6%	3.7%	1.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6214.40.00	9.4%	7.5%	5.6%	3.7%	1.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6214.90.00	10.5%	8.4%	6.3%	4.2%	2.1%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6215.10.00	7.3%	5.8%	4.4%	2.9%	1.4%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6215.20.00	12.1%	9.6%	7.2%	4.8%	2.4%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6215.90.00	7.3%	5.8%	4.4%	2.9%	1.4%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6216.00.13	18.7%	15%	11.2%	7.5%	3.7%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6216.00.17	18.7%	15%	11.2%	7.5%	3.7%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6216.00.18	13.1%	10.5%	7.8%	5.2%	2.6%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6216.00.28	12%	9.6%	7.2%	4.8%	2.4%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6216.00.32	12%	9.6%	7.2%	4.8%	2.4%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6216.00.38	18.7%	15%	11.2%	7.5%	3.7%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6216.00.41	18.7%	15%	11.2%	7.5%	3.7%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6217.10.00	13%	10.4%	7.8%	5.2%	2.6%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6217.90.00	13%	10.4%	7.8%	5.2%	2.6%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6301.10.00	11.3%	9%	6.7%	4.5%	2.2%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6301.20.00	13%	10.4%	7.8%	5.2%	2.6%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6301.30.00	8.5%	6.8%	5.1%	3.4%	1.7%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6301.40.00	11.3%	9%	6.7%	4.5%	2.2%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6301.90.00	12.2%	9.8%	7.3%	4.9%	2.4%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6302.10.00	7%	5.6%	4.2%	2.8%	1.4%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6302.21.10	18.1%	14.5%	10.8%	7.2%	3.6%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6302.21.20	7%	5.6%	4.2%	2.8%	1.4%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6302.22.10	14.1%	11.2%	8.4%	5.6%	2.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6302.22.20	11.3%	9%	6.7%	4.5%	2.2%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6302.29.00	8.1%	6.5%	4.9%	3.2%	1.6%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6302.31.10	18.1%	14.5%	10.8%	7.2%	3.6%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6302.31.20	7%	5.6%	4.2%	2.8%	1.4%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free

Annex III (con.)
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Section (B). (con.)

Subheading	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
6302.32.10	14.1%	11.2%	8.4%	5.6%	2.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6302.32.20	11.3%	9%	6.7%	4.5%	2.2%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6302.39.00	7.8%	6.2%	4.7%	3.1%	1.5%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6302.40.10	11.1%	8.9%	6.6%	4.4%	2.2%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6302.40.20	7.1%	5.6%	4.2%	2.8%	1.4%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6302.51.10	6.2%	5.5%	4.8%	4.1%	3.4%	2.7%	2%	1.3%	0.6%	Free	Free	Free	Free	Free	Free
6302.51.20	4.9%	4.4%	3.8%	3.3%	2.7%	2.2%	1.6%	1.1%	0.5%	Free	Free	Free	Free	Free	Free
6302.51.30	5.9%	5.2%	4.6%	3.9%	3.3%	2.6%	1.9%	1.3%	0.6%	Free	Free	Free	Free	Free	Free
6302.51.40	6.4%	5.7%	5%	4.3%	3.6%	2.8%	2.1%	1.4%	0.7%	Free	Free	Free	Free	Free	Free
6302.52.10	9.1%	7.3%	5.4%	3.6%	1.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6302.52.20	5.8%	4.6%	3.4%	2.3%	1.1%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6302.53.00	11.1%	8.9%	6.6%	4.4%	2.2%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6302.59.00	9%	7.2%	5.4%	3.6%	1.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6302.91.00	9.4%	8.4%	7.3%	6.3%	5.2%	4.2%	3.1%	2.1%	1%	Free	Free	Free	Free	Free	Free
6302.92.00	2.4%	1.9%	1.4%	0.9%	0.4%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6302.93.10	6.5%	5.2%	3.9%	2.6%	1.3%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6302.93.20	10%	8%	6%	4%	2%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6302.99.20	8.5%	6.8%	5.1%	3.4%	1.7%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6304.11.10	11.7%	9.4%	7%	4.7%	2.3%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6304.11.20	11.3%	9%	6.7%	4.5%	2.2%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6304.11.30	10.3%	8.2%	6.1%	4.1%	2%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6304.19.05	11.7%	9.4%	7%	4.7%	2.3%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6304.19.10	4.7%	3.8%	2.8%	1.9%	0.9%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6304.19.15	14.1%	11.2%	8.4%	5.6%	2.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6304.19.20	11.3%	9%	6.7%	4.5%	2.2%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6304.19.30	10.9%	8.7%	6.5%	4.3%	2.1%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6304.91.00	10.1%	8.1%	6.1%	4%	2%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6304.92.00	6.4%	5.7%	5%	4.3%	3.6%	2.8%	2.1%	1.4%	0.7%	Free	Free	Free	Free	Free	Free
6304.93.00	9.4%	7.5%	5.6%	3.7%	1.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6304.99.15	11.1%	8.9%	6.6%	4.4%	2.2%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6304.99.35	11.1%	8.9%	6.6%	4.4%	2.2%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6304.99.60	5.9%	4.7%	3.5%	2.3%	1.1%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6305.20.00	6.5%	5.2%	3.9%	2.6%	1.3%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6305.31.00	8.5%	6.8%	5.1%	3.4%	1.7%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6305.39.00	8.5%	6.8%	5.1%	3.4%	1.7%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6306.11.00	13.4%	10.7%	8%	5.3%	2.6%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6306.12.00	9%	7.2%	5.4%	3.6%	1.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6306.19.00	5.4%	4.3%	3.2%	2.1%	1%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6306.21.00	13.4%	10.7%	8%	5.3%	2.6%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6306.22.90	9%	7.2%	5.4%	3.6%	1.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6306.29.00	5.4%	4.3%	3.2%	2.1%	1%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6306.41.00	4%	3.2%	2.4%	1.6%	0.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6306.91.00	6.5%	5.2%	3.9%	2.6%	1.3%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free

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Section (B). (con.)

Subheading	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
6306.99.00	8.1%	6.5%	4.9%	3.2%	1.6%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6307.10.10	4.2%	3.7%	3.2%	2.8%	2.3%	1.8%	1.4%	0.9%	0.4%	Free	Free	Free	Free	Free	Free
6307.10.20	9.4%	8.4%	7.3%	6.3%	5.2%	4.2%	3.1%	2.1%	1%	Free	Free	Free	Free	Free	Free
6307.20.00	8.1%	6.5%	4.9%	3.2%	1.6%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6307.90.30	8.1%	6.5%	4.9%	3.2%	1.6%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6307.90.40	6.6%	5.3%	4%	2.6%	1.3%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6307.90.50	7.2%	5.8%	4.3%	2.9%	1.4%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6307.90.60	5.2%	4.2%	3.1%	2.1%	1%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6307.90.70	8.1%	6.5%	4.9%	3.2%	1.6%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6307.90.75	7.7%	6.2%	4.6%	3.1%	1.5%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6307.90.89	6.3%	5.6%	4.9%	4.2%	3.5%	2.8%	2.1%	1.4%	0.7%	Free	Free	Free	Free	Free	Free
6307.90.99	6.5%	5.2%	3.9%	2.6%	1.3%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6308.00.00	11.3%	9%	6.7%	4.5%	2.2%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6309.00.00	1.6%	1.4%	1.2%	1%	0.9%	0.7%	0.5%	0.3%	0.1%	Free	Free	Free	Free	Free	Free
6310.10.10	5.5¢/kg	4.9¢/kg	4.3¢/kg	3.7¢/kg	3.1¢/kg	2.4¢/kg	1.8¢/kg	1.2¢/kg	0.6¢/kg	Free	Free	Free	Free	Free	Free
6310.90.10	5.5¢/kg	4.9¢/kg	4.3¢/kg	3.7¢/kg	3.1¢/kg	2.4¢/kg	1.8¢/kg	1.2¢/kg	0.6¢/kg	Free	Free	Free	Free	Free	Free
6401.10.00	35%	32.5%	30%	27.5%	25%	22.5%	20%	17.5%	15%	12.5%	10%	7.5%	5%	2.5%	Free
6401.91.00	35%	32.5%	30%	27.5%	25%	22.5%	20%	17.5%	15%	12.5%	10%	7.5%	5%	2.5%	Free
6401.92.60	5.2%	3.9%	2.6%	1.3%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6401.92.90	35%	32.5%	30%	27.5%	25%	22.5%	20%	17.5%	15%	12.5%	10%	7.5%	5%	2.5%	Free
6401.99.30	23.3%	21.6%	20%	18.3%	16.6%	15%	13.3%	11.6%	10%	8.3%	6.6%	5%	3.3%	1.6%	Free
6401.99.60	35%	32.5%	30%	27.5%	25%	22.5%	20%	17.5%	15%	12.5%	10%	7.5%	5%	2.5%	Free
6401.99.90	35%	32.5%	30%	27.5%	25%	22.5%	20%	17.5%	15%	12.5%	10%	7.5%	5%	2.5%	Free
6402.19.50	72¢/pr. + 30%	54¢/pr. + 22.5%	36¢/pr. + 15%	18¢/pr. + 7.5%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6402.19.70	72¢/pr. + 16%	54¢/pr. + 12%	36¢/pr. + 8%	18¢/pr. + 4%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6402.19.90	16%	12%	8%	4%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6402.30.30	4.8%	4.8%	4.2%	3.6%	3%	2.4%	1.8%	1.2%	0.6%	Free	Free	Free	Free	Free	Free
6402.30.50	35%	32.5%	30%	27.5%	25%	22.5%	20%	17.5%	15%	12.5%	10%	7.5%	5%	2.5%	Free
6402.30.70	84¢/pr. + 35%	78¢/pr. + 32.5%	72¢/pr. + 30%	66¢/pr. + 27.5%	60¢/pr. + 25%	54¢/pr. + 22.5%	48¢/pr. + 20%	42¢/pr. + 17.5%	36¢/pr. + 15%	30¢/pr. + 12.5%	24¢/pr. + 10%	18¢/pr. + 7.5%	12¢/pr. + 5%	6¢/pr. + 2.5%	Free
6402.30.80	84¢/pr. + 18.6%	78¢/pr. + 17.3%	72¢/pr. + 16%	66¢/pr. + 14.6%	60¢/pr. + 13.3%	54¢/pr. + 12%	48¢/pr. + 10.6%	42¢/pr. + 9.3%	36¢/pr. + 8%	30¢/pr. + 6.6%	24¢/pr. + 5.3%	18¢/pr. + 4%	12¢/pr. + 2.6%	6¢/pr. + 1.3%	Free
6402.30.90	16%	16%	14%	12%	10%	8%	6%	4%	2%	Free	Free	Free	Free	Free	Free
6402.91.40	4.8%	4.8%	4.2%	3.6%	3%	2.4%	1.8%	1.2%	0.6%	Free	Free	Free	Free	Free	Free
6402.91.50	35%	32.5%	30%	27.5%	25%	22.5%	20%	17.5%	15%	12.5%	10%	7.5%	5%	2.5%	Free
6402.91.60	38.4%	38.4%	33.6%	28.8%	24%	19.2%	14.4%	9.6%	4.8%	Free	Free	Free	Free	Free	Free
6402.91.70	72¢/pr. + 30%	72¢/pr. + 30%	63¢/pr. + 26.2%	54¢/pr. + 22.5%	45¢/pr. + 18.7%	36¢/pr. + 15%	27¢/pr. + 11.2%	18¢/pr. + 7.5%	9¢/pr. + 3.7%	Free	Free	Free	Free	Free	Free
6402.91.80	84¢/pr. + 18.6%	78¢/pr. + 17.3%	72¢/pr. + 16%	66¢/pr. + 14.6%	60¢/pr. + 13.3%	54¢/pr. + 12%	48¢/pr. + 10.6%	42¢/pr. + 9.3%	36¢/pr. + 8%	30¢/pr. + 6.6%	24¢/pr. + 5.3%	18¢/pr. + 4%	12¢/pr. + 2.6%	6¢/pr. + 1.3%	Free
6402.91.90	18.6%	17.3%	16%	14.6%	13.3%	12%	10.6%	9.3%	8%	6.6%	5.3%	4%	2.6%	1.3%	Free
6402.99.05	6.4%	6.4%	5.6%	4.8%	4%	3.2%	2.4%	1.6%	0.8%	Free	Free	Free	Free	Free	Free

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Section (B). (con.)

Subheading	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
6402.99.10	10%	10%	8.7%	7.5%	6.2%	5%	3.7%	2.5%	1.2%	Free	Free	Free	Free	Free	Free
6402.99.15	4.8%	4.8%	4.2%	3.6%	3%	2.4%	1.8%	1.2%	0.6%	Free	Free	Free	Free	Free	Free
6402.99.20	35%	32.5%	30%	27.5%	25%	22.5%	20%	17.5%	15%	12.5%	10%	7.5%	5%	2.5%	Free
6402.99.30	35%	32.5%	30%	27.5%	25%	22.5%	20%	17.5%	15%	12.5%	10%	7.5%	5%	2.5%	Free
6402.99.60	38.4%	38.4%	33.6%	28.8%	24%	19.2%	14.4%	9.6%	4.8%	Free	Free	Free	Free	Free	Free
6402.99.70	72¢/pr. + 30%	72¢/pr. + 30%	63¢/pr. + 26.2%	54¢/pr. + 22.5%	45¢/pr. + 18.7%	36¢/pr. + 15%	27¢/pr. + 11.2%	18¢/pr. + 7.5%	9¢/pr. + 3.7%	Free	Free	Free	Free	Free	Free
6402.99.80	84¢/pr. + 18.6%	78¢/pr. + 17.3%	72¢/pr. + 16%	66¢/pr. + 14.6%	60¢/pr. + 13.3%	54¢/pr. + 12%	48¢/pr. + 10.6%	42¢/pr. + 9.3%	36¢/pr. + 8%	30¢/pr. + 6.6%	24¢/pr. + 5.3%	18¢/pr. + 4%	12¢/pr. + 2.6%	6¢/pr. + 1.3%	Free
6402.99.90	18.6%	17.3%	16%	14.6%	13.3%	12%	10.6%	9.3%	8%	6.6%	5.3%	4%	2.6%	1.3%	Free
6403.19.15	4%	4%	3.5%	3%	2.5%	2%	1.5%	1%	0.5%	Free	Free	Free	Free	Free	Free
6403.19.45	6.8%	6.8%	5.9%	5.1%	4.2%	3.4%	2.5%	1.7%	0.8%	Free	Free	Free	Free	Free	Free
6403.19.60	8%	8%	7%	6%	5%	4%	3%	2%	1%	Free	Free	Free	Free	Free	Free
6403.40.30	4%	4%	3.5%	3%	2.5%	2%	1.5%	1%	0.5%	Free	Free	Free	Free	Free	Free
6403.40.60	6.8%	6.8%	5.9%	5.1%	4.2%	3.4%	2.5%	1.7%	0.8%	Free	Free	Free	Free	Free	Free
6403.51.30	4%	4%	3.5%	3%	2.5%	2%	1.5%	1%	0.5%	Free	Free	Free	Free	Free	Free
6403.51.60	6.8%	6.8%	5.9%	5.1%	4.2%	3.4%	2.5%	1.7%	0.8%	Free	Free	Free	Free	Free	Free
6403.51.90	8%	8%	7%	6%	5%	4%	3%	2%	1%	Free	Free	Free	Free	Free	Free
6403.59.15	2%	1.5%	1%	0.5%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6403.59.30	4%	4%	3.5%	3%	2.5%	2%	1.5%	1%	0.5%	Free	Free	Free	Free	Free	Free
6403.59.60	6.8%	6.8%	5.9%	5.1%	4.2%	3.4%	2.5%	1.7%	0.8%	Free	Free	Free	Free	Free	Free
6403.59.90	8%	8%	7%	6%	5%	4%	3%	2%	1%	Free	Free	Free	Free	Free	Free
6403.91.30	4%	4%	3.5%	3%	2.5%	2%	1.5%	1%	0.5%	Free	Free	Free	Free	Free	Free
6403.91.60	7.9%	7.3%	6.8%	6.2%	5.6%	5.1%	4.5%	3.9%	3.4%	2.8%	2.2%	1.7%	1.1%	0.5%	Free
6403.91.90	8%	8%	7%	6%	5%	4%	3%	2%	1%	Free	Free	Free	Free	Free	Free
6403.99.20	6.4%	6.4%	5.6%	4.8%	4%	3.2%	2.4%	1.6%	0.8%	Free	Free	Free	Free	Free	Free
6403.99.40	4%	4%	3.5%	3%	2.5%	2%	1.5%	1%	0.5%	Free	Free	Free	Free	Free	Free
6403.99.60	6.8%	6.8%	5.9%	5.1%	4.2%	3.4%	2.5%	1.7%	0.8%	Free	Free	Free	Free	Free	Free
6403.99.75	12%	12%	10.5%	9%	7.5%	6%	4.5%	3%	1.5%	Free	Free	Free	Free	Free	Free
6403.99.90	8%	8%	7%	6%	5%	4%	3%	2%	1%	Free	Free	Free	Free	Free	Free
6404.11.20	8.4%	8.4%	7.3%	6.3%	5.2%	4.2%	3.1%	2.1%	1%	Free	Free	Free	Free	Free	Free
6404.11.40	30%	22.5%	15%	7.5%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6404.11.50	44.8%	41.6%	38.4%	35.2%	32%	28.8%	25.6%	22.4%	19.2%	16%	12.8%	9.6%	6.4%	3.2%	Free
6404.11.60	35%	32.5%	30%	27.5%	25%	22.5%	20%	17.5%	15%	12.5%	10%	7.5%	5%	2.5%	Free
6404.11.70	84¢/pr. + 35%	78¢/pr. + 32.5%	72¢/pr. + 30%	66¢/pr. + 27.5%	60¢/pr. + 25%	54¢/pr. + 22.5%	48¢/pr. + 20%	42¢/pr. + 17.5%	36¢/pr. + 15%	30¢/pr. + 12.5%	24¢/pr. + 10%	18¢/pr. + 7.5%	12¢/pr. + 5%	6¢/pr. + 2.5%	Free
6404.11.80	84¢/pr. + 18.6%	78¢/pr. + 17.3%	72¢/pr. + 16%	66¢/pr. + 14.6%	60¢/pr. + 13.3%	54¢/pr. + 12%	48¢/pr. + 10.6%	42¢/pr. + 9.3%	36¢/pr. + 8%	30¢/pr. + 6.6%	24¢/pr. + 5.3%	18¢/pr. + 4%	12¢/pr. + 2.6%	6¢/pr. + 1.3%	Free
6404.11.90	16%	12%	8%	4%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6404.19.15	8.4%	8.4%	7.3%	6.3%	5.2%	4.2%	3.1%	2.1%	1%	Free	Free	Free	Free	Free	Free
6404.19.20	35%	32.5%	30%	27.5%	25%	22.5%	20%	17.5%	15%	12.5%	10%	7.5%	5%	2.5%	Free
6404.19.25	6%	6%	5.2%	4.5%	3.7%	3%	2.2%	1.5%	0.7%	Free	Free	Free	Free	Free	Free
6404.19.30	10%	10%	8.7%	7.5%	6.2%	5%	3.7%	2.5%	1.2%	Free	Free	Free	Free	Free	Free
6404.19.35	35%	32.5%	30%	27.5%	25%	22.5%	20%	17.5%	15%	12.5%	10%	7.5%	5%	2.5%	Free

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Section (B). (con.)

Subheading	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
6404.19.50	44.8%	41.6%	38.4%	35.2%	32%	28.8%	25.6%	22.4%	19.2%	16%	12.8%	9.6%	6.4%	3.2%	Free
6404.19.60	30%	30%	26.2%	22.5%	18.7%	15%	11.2%	7.5%	3.7%	Free	Free	Free	Free	Free	Free
6404.19.70	84¢/pr. + 35%	78¢/pr. + 32.5%	72¢/pr. + 30%	66¢/pr. + 27.5%	60¢/pr. + 25%	54¢/pr. + 22.5%	48¢/pr. + 20%	42¢/pr. + 17.5%	36¢/pr. + 15%	30¢/pr. + 12.5%	24¢/pr. + 10%	18¢/pr. + 7.5%	12¢/pr. + 5%	6¢/pr. + 2.5%	Free
6404.19.80	72¢/pr. + 16%	72¢/pr. + 16%	63¢/pr. + 14%	54¢/pr. + 12%	45¢/pr. + 10%	36¢/pr. + 8%	27¢/pr. + 6%	18¢/pr. + 4%	9¢/pr. + 2%	Free	Free	Free	Free	Free	Free
6404.20.20	12%	12%	10.5%	9%	7.5%	6%	4.5%	3%	1.5%	Free	Free	Free	Free	Free	Free
6404.20.40	8%	8%	7%	6%	5%	4%	3%	2%	1%	Free	Free	Free	Free	Free	Free
6404.20.60	30%	30%	26.2%	22.5%	18.7%	15%	11.2%	7.5%	3.7%	Free	Free	Free	Free	Free	Free
6405.10.00	8%	8%	7%	6%	5%	4%	3%	2%	1%	Free	Free	Free	Free	Free	Free
6405.20.30	6%	6%	5.2%	4.5%	3.7%	3%	2.2%	1.5%	0.7%	Free	Free	Free	Free	Free	Free
6405.20.90	10%	10%	8.7%	7.5%	6.2%	5%	3.7%	2.5%	1.2%	Free	Free	Free	Free	Free	Free
6405.90.90	10%	10%	8.7%	7.5%	6.2%	5%	3.7%	2.5%	1.2%	Free	Free	Free	Free	Free	Free
6406.10.05	6.8%	6.8%	5.9%	5.1%	4.2%	3.4%	2.5%	1.7%	0.8%	Free	Free	Free	Free	Free	Free
6406.10.10	8%	8%	7%	6%	5%	4%	3%	2%	1%	Free	Free	Free	Free	Free	Free
6406.10.20	8.4%	8.4%	7.3%	6.3%	5.2%	4.2%	3.1%	2.1%	1%	Free	Free	Free	Free	Free	Free
6406.10.25	38.4%	28.8%	19.2%	9.6%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6406.10.30	20%	20%	20%	11.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6406.10.35	20%	16.8%	11.2%	5.6%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6406.10.40	16%	12%	8%	4%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6406.10.45	4.8%	4.8%	4.2%	3.6%	3%	2.4%	1.8%	1.2%	0.6%	Free	Free	Free	Free	Free	Free
6406.10.50	30%	22.5%	15%	7.5%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6501.00.90	10.1%	8.1%	6.1%	4%	2%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6502.00.90	6.6%	5.3%	4%	2.6%	1.3%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6503.00.90	7.3%	5.8%	4.4%	2.9%	1.4%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6504.00.90	6.6%	5.3%	4%	2.6%	1.3%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6505.90.15	7.6%	6.1%	4.6%	3%	1.5%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6505.90.20	7.3%	5.8%	4.4%	2.9%	1.4%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6505.90.25	7.3%	5.8%	4.4%	2.9%	1.4%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6505.90.30	14.5%	11.6%	8.7%	5.8%	2.9%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6505.90.40	8.9%	7.1%	5.3%	3.5%	1.7%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6505.90.50	6.6%	5.3%	4%	2.6%	1.3%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6505.90.60	14.9%	11.9%	8.9%	5.9%	2.9%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6505.90.70	6.6%	5.3%	4%	2.6%	1.3%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6505.90.80	9.7%	7.8%	5.8%	3.9%	1.9%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6505.90.90	8.5%	6.8%	5.1%	3.4%	1.7%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6901.00.00	4.4%	3.9%	3.4%	2.9%	2.4%	1.9%	1.4%	0.9%	0.4%	Free	Free	Free	Free	Free	Free
6907.10.00	16%	16%	16%	14.6%	13.3%	11.9%	10.6%	9.3%	7.9%	6.6%	5.3%	3.9%	2.6%	1.3%	Free
6907.90.00	16%	16%	16%	14.6%	13.3%	11.9%	10.6%	9.3%	7.9%	6.6%	5.3%	3.9%	2.6%	1.3%	Free
6908.10.10	16%	16%	16%	14.6%	13.3%	11.9%	10.6%	9.3%	7.9%	6.6%	5.3%	3.9%	2.6%	1.3%	Free
6908.10.50	15.2%	15.2%	15.2%	13.9%	12.6%	11.3%	10.1%	8.8%	7.5%	6.3%	5%	3.7%	2.5%	1.2%	Free
6908.90.00	15.2%	15.2%	15.2%	13.9%	12.6%	11.3%	10.1%	8.8%	7.5%	6.3%	5%	3.7%	2.5%	1.2%	Free
6910.10.00	6.4%	5.7%	5%	4.3%	3.6%	2.8%	2.1%	1.4%	0.7%	Free	Free	Free	Free	Free	Free

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Subheading	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
6911.10.10	28%	28%	24.5%	21%	17.5%	14%	10.5%	7%	3.5%	Free	Free	Free	Free	Free	Free
6911.10.80	20.8%	15.6%	10.4%	5.2%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6912.00.20	28%	28%	24.5%	21%	17.5%	14%	10.5%	7%	3.5%	Free	Free	Free	Free	Free	Free
6912.00.39	3.6%	2.7%	1.8%	0.9%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6912.00.45	3.6%	2.7%	1.8%	0.9%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
6912.00.48	9.2%	6.9%	4.6%	2.3%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
7004.90.05	1.3¢/kg	1.2¢/kg	1¢/kg	0.9¢/kg	0.7¢/kg	0.6¢/kg	0.4¢/kg	0.3¢/kg	0.1¢/kg	Free	Free	Free	Free	Free	Free
7004.90.10	1.8¢/kg	1.6¢/kg	1.4¢/kg	1.2¢/kg	1¢/kg	0.8¢/kg	0.6¢/kg	0.4¢/kg	0.2¢/kg	Free	Free	Free	Free	Free	Free
7004.90.15	1.9¢/kg	1.7¢/kg	1.5¢/kg	1.3¢/kg	1.1¢/kg	0.8¢/kg	0.6¢/kg	0.4¢/kg	0.2¢/kg	Free	Free	Free	Free	Free	Free
7004.90.20	2.2¢/kg	2¢/kg	1.7¢/kg	1.5¢/kg	1.2¢/kg	1¢/kg	0.7¢/kg	0.5¢/kg	0.2¢/kg	Free	Free	Free	Free	Free	Free
7005.21.10	14.4¢/m² + 0.3%	12.8¢/m² + 0.3%	11.2¢/m² + 0.2%	9.6¢/m² + 0.2%	8¢/m² + 0.2%	6.4¢/m² + 0.1%	4.8¢/m² + 0.1%	3.2¢/m²	1.6¢/m²	Free	Free	Free	Free	Free	Free
7005.21.20	5.6%	5%	4.4%	3.7%	3.1%	2.5%	1.8%	1.2%	0.6%	Free	Free	Free	Free	Free	Free
7005.29.05	18.7¢/m²	16.6¢/m²	14.5¢/m²	12.4¢/m²	10.4¢/m²	8.3¢/m²	6.2¢/m²	Free	Free	Free	Free	Free	Free	Free	Free
7005.29.15	14.4¢/m²	12.8¢/m²	11.2¢/m²	9.6¢/m²	8¢/m²	6.4¢/m²	4.8¢/m²	Free	Free	Free	Free	Free	Free	Free	Free
7013.10.50	24.2%	22.5%	20.8%	19%	17.3%	15.6%	13.8%	12.1%	10.4%	8.6%	6.9%	5.2%	3.4%	1.7%	Free
7013.21.10	18.6%	17.3%	16%	14.6%	13.3%	12%	10.6%	9.3%	8%	6.6%	5.3%	4%	2.6%	1.3%	Free
7013.21.20	13%	12.1%	11.2%	10.2%	9.3%	8.4%	7.4%	6.5%	5.6%	4.6%	3.7%	2.8%	1.8%	0.9%	Free
7013.21.30	9.8%	9.1%	8.4%	7.7%	7%	6.3%	5.6%	4.9%	4.2%	3.5%	2.8%	2.1%	1.4%	0.7%	Free
7013.29.05	11.6%	10.8%	10%	9.1%	8.3%	7.5%	6.6%	5.8%	5%	4.1%	3.3%	2.5%	1.6%	0.8%	Free
7013.29.10	35.4%	32.9%	30.4%	27.8%	25.3%	22.8%	20.2%	17.7%	15.2%	12.6%	10.1%	7.6%	5%	2.5%	Free
7013.29.20	28%	26%	24%	22%	20%	18%	16%	14%	12%	10%	8%	6%	4%	2%	Free
7013.29.30	14%	13%	12%	11%	10%	9%	8%	7%	6%	5%	4%	3%	2%	1%	Free
7013.29.40	5.7%	4.3%	2.8%	1.4%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
7013.29.50	14%	13%	12%	11%	10%	9%	8%	7%	6%	5%	4%	3%	2%	1%	Free
7013.29.60	5.7%	4.3%	2.8%	1.4%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
7013.31.10	18.6%	17.3%	16%	14.6%	13.3%	12%	10.6%	9.3%	8%	6.6%	5.3%	4%	2.6%	1.3%	Free
7013.31.20	13%	12.1%	11.2%	10.2%	9.3%	8.4%	7.4%	6.5%	5.6%	4.6%	3.7%	2.8%	1.8%	0.9%	Free
7013.31.30	9.8%	9.1%	8.4%	7.7%	7%	6.3%	5.6%	4.9%	4.2%	3.5%	2.8%	2.1%	1.4%	0.7%	Free
7013.32.10	11.6%	10.8%	10%	9.1%	8.3%	7.5%	6.6%	5.8%	5%	4.1%	3.3%	2.5%	1.6%	0.8%	Free
7013.32.20	28%	26%	24%	22%	20%	18%	16%	14%	12%	10%	8%	6%	4%	2%	Free
7013.32.30	14%	13%	12%	11%	10%	9%	8%	7%	6%	5%	4%	3%	2%	1%	Free
7013.32.40	6.7%	6.2%	5.7%	5.2%	4.8%	4.3%	3.8%	3.3%	2.8%	2.4%	1.9%	1.4%	0.9%	0.4%	Free
7013.39.10	11.6%	10.8%	10%	9.1%	8.3%	7.5%	6.6%	5.8%	5%	4.1%	3.3%	2.5%	1.6%	0.8%	Free
7013.39.20	28%	26%	24%	22%	20%	18%	16%	14%	12%	10%	8%	6%	4%	2%	Free
7013.39.30	14%	13%	12%	11%	10%	9%	8%	7%	6%	5%	4%	3%	2%	1%	Free
7013.39.40	6.7%	6.2%	5.7%	5.2%	4.8%	4.3%	3.8%	3.3%	2.8%	2.4%	1.9%	1.4%	0.9%	0.4%	Free
7013.39.50	14%	13%	12%	11%	10%	9%	8%	7%	6%	5%	4%	3%	2%	1%	Free
7013.39.60	6.7%	6.2%	5.7%	5.2%	4.8%	4.3%	3.8%	3.3%	2.8%	2.4%	1.9%	1.4%	0.9%	0.4%	Free
7013.91.10	18.6%	17.3%	16%	14.6%	13.3%	12%	10.6%	9.3%	8%	6.6%	5.3%	4%	2.6%	1.3%	Free
7013.91.20	13%	12.1%	11.2%	10.2%	9.3%	8.4%	7.4%	6.5%	5.6%	4.6%	3.7%	2.8%	1.8%	0.9%	Free
7013.91.30	9.8%	9.1%	8.4%	7.7%	7%	6.3%	5.6%	4.9%	4.2%	3.5%	2.8%	2.1%	1.4%	0.7%	Free
7013.99.10	18.6%	17.3%	16%	14.6%	13.3%	12%	10.6%	9.3%	8%	6.6%	5.3%	4%	2.6%	1.3%	Free

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Section (B). (con.)

Subheading	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
7013.99.20	11.6%	10.8%	10%	9.1%	8.3%	7.5%	6.6%	5.8%	5%	4.1%	3.3%	2.5%	1.6%	0.8%	Free
7013.99.40	35.4%	32.9%	30.4%	27.8%	25.3%	22.8%	20.2%	17.7%	15.2%	12.6%	10.1%	7.6%	5%	2.5%	Free
7013.99.50	28%	26%	24%	22%	20%	18%	16%	14%	12%	10%	8%	6%	4%	2%	Free
7013.99.60	14%	13%	12%	11%	10%	9%	8%	7%	6%	5%	4%	3%	2%	1%	Free
7013.99.70	6.7%	6.2%	5.7%	5.2%	4.8%	4.3%	3.8%	3.3%	2.8%	2.4%	1.9%	1.4%	0.9%	0.4%	Free
7013.99.80	14%	13%	12%	11%	10%	9%	8%	7%	6%	5%	4%	3%	2%	1%	Free
7013.99.90	6.7%	6.2%	5.7%	5.2%	4.8%	4.3%	3.8%	3.3%	2.8%	2.4%	1.9%	1.4%	0.9%	0.4%	Free
7019.10.10	6.8%	5.4%	4.1%	2.7%	1.3%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
7019.10.20	8.6%	6.9%	5.2%	3.4%	1.7%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
7019.10.60	4.8%	3.6%	2.4%	1.2%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
7019.20.10	5.6%	4.5%	3.3%	2.2%	1.1%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
7019.20.20	7.6%	6%	4.5%	3%	1.5%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
7019.20.50	9.8%	7.8%	5.9%	3.9%	1.9%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
7114.11.45	4.8%	3.6%	2.4%	1.2%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
7202.11.10	1.2%	1.1%	0.9%	0.8%	0.7%	0.5%	0.4%	0.2%	0.1%	Free	Free	Free	Free	Free	Free
7202.11.50	1.3%	1.2%	1%	0.9%	0.7%	0.6%	0.4%	0.3%	0.1%	Free	Free	Free	Free	Free	Free
7202.19.50	1.2%	1.1%	0.9%	0.8%	0.7%	0.5%	0.4%	0.2%	0.1%	Free	Free	Free	Free	Free	Free
7202.41.00	1.7%	1.5%	1.3%	1.1%	0.9%	0.7%	0.5%	0.3%	0.1%	Free	Free	Free	Free	Free	Free
7202.49.10	1.7%	1.5%	1.3%	1.1%	0.9%	0.7%	0.5%	0.3%	0.1%	Free	Free	Free	Free	Free	Free
7202.49.50	2.7%	2.4%	2.1%	1.8%	1.5%	1.2%	0.9%	0.6%	0.3%	Free	Free	Free	Free	Free	Free
7202.92.00	3.7%	3.3%	2.9%	2.5%	2.1%	1.6%	1.2%	0.8%	0.4%	Free	Free	Free	Free	Free	Free
7206.10.00	3.7%	3.3%	2.9%	2.5%	2.1%	1.6%	1.2%	0.8%	0.4%	Free	Free	Free	Free	Free	Free
7207.11.00	3.7%	3.3%	2.9%	2.5%	2.1%	1.6%	1.2%	0.8%	0.4%	Free	Free	Free	Free	Free	Free
7207.12.00	3.7%	3.3%	2.9%	2.5%	2.1%	1.6%	1.2%	0.8%	0.4%	Free	Free	Free	Free	Free	Free
7207.19.00	3.7%	3.3%	2.9%	2.5%	2.1%	1.6%	1.2%	0.8%	0.4%	Free	Free	Free	Free	Free	Free
7207.20.00	3.7%	3.3%	2.9%	2.5%	2.1%	1.6%	1.2%	0.8%	0.4%	Free	Free	Free	Free	Free	Free
7208.11.00	5.4%	4.8%	4.2%	3.6%	3%	2.4%	1.8%	1.2%	0.6%	Free	Free	Free	Free	Free	Free
7208.12.00	5.4%	4.8%	4.2%	3.6%	3%	2.4%	1.8%	1.2%	0.6%	Free	Free	Free	Free	Free	Free
7208.13.10	4.5%	4%	3.5%	3%	2.5%	2%	1.5%	1%	0.5%	Free	Free	Free	Free	Free	Free
7208.13.50	4.4%	3.9%	3.4%	2.9%	2.4%	1.9%	1.4%	0.9%	0.4%	Free	Free	Free	Free	Free	Free
7208.14.10	4.5%	4%	3.5%	3%	2.5%	2%	1.5%	1%	0.5%	Free	Free	Free	Free	Free	Free
7208.14.50	4.4%	3.9%	3.4%	2.9%	2.4%	1.9%	1.4%	0.9%	0.4%	Free	Free	Free	Free	Free	Free
7208.21.10	4.5%	4%	3.5%	3%	2.5%	2%	1.5%	1%	0.5%	Free	Free	Free	Free	Free	Free
7208.21.50	5.4%	4.8%	4.2%	3.6%	3%	2.4%	1.8%	1.2%	0.6%	Free	Free	Free	Free	Free	Free
7208.22.10	4.5%	4%	3.5%	3%	2.5%	2%	1.5%	1%	0.5%	Free	Free	Free	Free	Free	Free
7208.22.50	5.4%	4.8%	4.2%	3.6%	3%	2.4%	1.8%	1.2%	0.6%	Free	Free	Free	Free	Free	Free
7208.23.10	4.5%	4%	3.5%	3%	2.5%	2%	1.5%	1%	0.5%	Free	Free	Free	Free	Free	Free
7208.23.50	4.4%	3.9%	3.4%	2.9%	2.4%	1.9%	1.4%	0.9%	0.4%	Free	Free	Free	Free	Free	Free
7208.24.10	4.5%	4%	3.5%	3%	2.5%	2%	1.5%	1%	0.5%	Free	Free	Free	Free	Free	Free
7208.24.50	4.4%	3.9%	3.4%	2.9%	2.4%	1.9%	1.4%	0.9%	0.4%	Free	Free	Free	Free	Free	Free
7208.31.00	5.4%	4.8%	4.2%	3.6%	3%	2.4%	1.8%	1.2%	0.6%	Free	Free	Free	Free	Free	Free
7208.32.00	5.4%	4.8%	4.2%	3.6%	3%	2.4%	1.8%	1.2%	0.6%	Free	Free	Free	Free	Free	Free
7208.33.10	4.5%	4%	3.5%	3%	2.5%	2%	1.5%	1%	0.5%	Free	Free	Free	Free	Free	Free

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Section (B). (con.)

Subheading	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
7208.33.50	5.4%	4.8%	4.2%	3.6%	3%	2.4%	1.8%	1.2%	0.6%	Free	Free	Free	Free	Free	Free
7208.34.10	4.5%	4%	3.5%	3%	2.5%	2%	1.5%	1%	0.5%	Free	Free	Free	Free	Free	Free
7208.34.50	4.4%	3.9%	3.4%	2.9%	2.4%	1.9%	1.4%	0.9%	0.4%	Free	Free	Free	Free	Free	Free
7208.35.10	4.5%	4%	3.5%	3%	2.5%	2%	1.5%	1%	0.5%	Free	Free	Free	Free	Free	Free
7208.35.50	4.4%	3.9%	3.4%	2.9%	2.4%	1.9%	1.4%	0.9%	0.4%	Free	Free	Free	Free	Free	Free
7208.41.00	5.4%	4.8%	4.2%	3.6%	3%	2.4%	1.8%	1.2%	0.6%	Free	Free	Free	Free	Free	Free
7208.42.00	5.4%	4.8%	4.2%	3.6%	3%	2.4%	1.8%	1.2%	0.6%	Free	Free	Free	Free	Free	Free
7208.43.00	5.4%	4.8%	4.2%	3.6%	3%	2.4%	1.8%	1.2%	0.6%	Free	Free	Free	Free	Free	Free
7208.44.00	4.4%	3.9%	3.4%	2.9%	2.4%	1.9%	1.4%	0.9%	0.4%	Free	Free	Free	Free	Free	Free
7208.45.00	4.4%	3.9%	3.4%	2.9%	2.4%	1.9%	1.4%	0.9%	0.4%	Free	Free	Free	Free	Free	Free
7208.90.00	4.5%	4%	3.5%	3%	2.5%	2%	1.5%	1%	0.5%	Free	Free	Free	Free	Free	Free
7209.11.00	4.5%	4%	3.5%	3%	2.5%	2%	1.5%	1%	0.5%	Free	Free	Free	Free	Free	Free
7209.12.00	4.5%	4%	3.5%	3%	2.5%	2%	1.5%	1%	0.5%	Free	Free	Free	Free	Free	Free
7209.13.00	4.5%	4%	3.5%	3%	2.5%	2%	1.5%	1%	0.5%	Free	Free	Free	Free	Free	Free
7209.14.00	4.5%	4%	3.5%	3%	2.5%	2%	1.5%	1%	0.5%	Free	Free	Free	Free	Free	Free
7209.21.00	4.5%	4%	3.5%	3%	2.5%	2%	1.5%	1%	0.5%	Free	Free	Free	Free	Free	Free
7209.22.00	4.5%	4%	3.5%	3%	2.5%	2%	1.5%	1%	0.5%	Free	Free	Free	Free	Free	Free
7209.23.00	4.5%	4%	3.5%	3%	2.5%	2%	1.5%	1%	0.5%	Free	Free	Free	Free	Free	Free
7209.24.10	2.8%	2.5%	2.2%	1.9%	1.6%	1.2%	0.9%	0.6%	0.3%	Free	Free	Free	Free	Free	Free
7209.24.50	4.5%	4%	3.5%	3%	2.5%	2%	1.5%	1%	0.5%	Free	Free	Free	Free	Free	Free
7209.31.00	4.5%	4%	3.5%	3%	2.5%	2%	1.5%	1%	0.5%	Free	Free	Free	Free	Free	Free
7209.32.00	4.5%	4%	3.5%	3%	2.5%	2%	1.5%	1%	0.5%	Free	Free	Free	Free	Free	Free
7209.33.00	4.5%	4%	3.5%	3%	2.5%	2%	1.5%	1%	0.5%	Free	Free	Free	Free	Free	Free
7209.34.00	4.5%	4%	3.5%	3%	2.5%	2%	1.5%	1%	0.5%	Free	Free	Free	Free	Free	Free
7209.41.00	4.5%	4%	3.5%	3%	2.5%	2%	1.5%	1%	0.5%	Free	Free	Free	Free	Free	Free
7209.42.00	4.5%	4%	3.5%	3%	2.5%	2%	1.5%	1%	0.5%	Free	Free	Free	Free	Free	Free
7209.43.00	4.5%	4%	3.5%	3%	2.5%	2%	1.5%	1%	0.5%	Free	Free	Free	Free	Free	Free
7209.44.00	4.5%	4%	3.5%	3%	2.5%	2%	1.5%	1%	0.5%	Free	Free	Free	Free	Free	Free
7209.90.00	4.5%	4%	3.5%	3%	2.5%	2%	1.5%	1%	0.5%	Free	Free	Free	Free	Free	Free
7210.11.00	3.1%	2.8%	2.4%	2.1%	1.7%	1.4%	1%	0.7%	0.3%	Free	Free	Free	Free	Free	Free
7210.12.00	3.1%	2.8%	2.4%	2.1%	1.7%	1.4%	1%	0.7%	0.3%	Free	Free	Free	Free	Free	Free
7210.20.00	3.6%	3.2%	2.8%	2.4%	2%	1.6%	1.2%	0.8%	0.4%	Free	Free	Free	Free	Free	Free
7210.31.00	5.8%	5.2%	4.5%	3.9%	3.2%	2.6%	1.9%	1.3%	0.6%	Free	Free	Free	Free	Free	Free
7210.39.00	5.8%	5.2%	4.5%	3.9%	3.2%	2.6%	1.9%	1.3%	0.6%	Free	Free	Free	Free	Free	Free
7210.41.00	5.8%	5.2%	4.5%	3.9%	3.2%	2.6%	1.9%	1.3%	0.6%	Free	Free	Free	Free	Free	Free
7210.49.00	5.8%	5.2%	4.5%	3.9%	3.2%	2.6%	1.9%	1.3%	0.6%	Free	Free	Free	Free	Free	Free
7210.50.00	5.1%	4.5%	3.9%	3.4%	2.8%	2.2%	1.7%	1.1%	0.5%	Free	Free	Free	Free	Free	Free
7210.60.00	5.8%	5.2%	4.5%	3.9%	3.2%	2.6%	1.9%	1.3%	0.6%	Free	Free	Free	Free	Free	Free
7210.70.30	4.5%	4%	3.5%	3%	2.5%	2%	1.5%	1%	0.5%	Free	Free	Free	Free	Free	Free
7210.70.60	5.8%	5.2%	4.5%	3.9%	3.2%	2.6%	1.9%	1.3%	0.6%	Free	Free	Free	Free	Free	Free
7210.90.10	5.8%	5.2%	4.5%	3.9%	3.2%	2.6%	1.9%	1.3%	0.6%	Free	Free	Free	Free	Free	Free
7210.90.60	5.1%	4.5%	3.9%	3.4%	2.8%	2.2%	1.7%	1.1%	0.5%	Free	Free	Free	Free	Free	Free
7210.90.90	5.8%	5.2%	4.5%	3.9%	3.2%	2.6%	1.9%	1.3%	0.6%	Free	Free	Free	Free	Free	Free

Annex III (con.)
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Section (B). (con.)

Subheading	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
7211.11.00	5.4%	4.8%	4.2%	3.6%	3%	2.4%	1.8%	1.2%	0.6%	Free	Free	Free	Free	Free	Free
7211.12.00	5.4%	4.8%	4.2%	3.6%	3%	2.4%	1.8%	1.2%	0.6%	Free	Free	Free	Free	Free	Free
7211.19.10	5.1%	4.5%	3.9%	3.4%	2.8%	2.2%	1.7%	1.1%	0.5%	Free	Free	Free	Free	Free	Free
7211.19.50	4.4%	3.9%	3.4%	2.9%	2.4%	1.9%	1.4%	0.9%	0.4%	Free	Free	Free	Free	Free	Free
7211.21.00	5.4%	4.8%	4.2%	3.6%	3%	2.4%	1.8%	1.2%	0.6%	Free	Free	Free	Free	Free	Free
7211.22.00	5.4%	4.8%	4.2%	3.6%	3%	2.4%	1.8%	1.2%	0.6%	Free	Free	Free	Free	Free	Free
7211.29.10	5.1%	4.5%	3.9%	3.4%	2.8%	2.2%	1.7%	1.1%	0.5%	Free	Free	Free	Free	Free	Free
7211.29.30	3%	2.7%	2.3%	2%	1.7%	1.3%	1%	0.6%	0.3%	Free	Free	Free	Free	Free	Free
7211.29.50	4.5%	4%	3.5%	3%	2.5%	2%	1.5%	1%	0.5%	Free	Free	Free	Free	Free	Free
7211.29.70	4.4%	3.9%	3.4%	2.9%	2.4%	1.9%	1.4%	0.9%	0.4%	Free	Free	Free	Free	Free	Free
7211.30.10	3%	2.7%	2.3%	2%	1.7%	1.3%	1%	0.6%	0.3%	Free	Free	Free	Free	Free	Free
7211.30.30	2.1%	1.9%	1.6%	1.4%	1.2%	0.9%	0.7%	0.4%	0.2%	Free	Free	Free	Free	Free	Free
7211.30.50	4.5%	4%	3.5%	3%	2.5%	2%	1.5%	1%	0.5%	Free	Free	Free	Free	Free	Free
7211.41.10	5.1%	4.5%	3.9%	3.4%	2.8%	2.2%	1.7%	1.1%	0.5%	Free	Free	Free	Free	Free	Free
7211.41.30	3%	2.7%	2.3%	2%	1.7%	1.3%	1%	0.6%	0.3%	Free	Free	Free	Free	Free	Free
7211.41.50	2.1%	1.9%	1.6%	1.4%	1.2%	0.9%	0.7%	0.4%	0.2%	Free	Free	Free	Free	Free	Free
7211.41.70	4.5%	4%	3.5%	3%	2.5%	2%	1.5%	1%	0.5%	Free	Free	Free	Free	Free	Free
7211.49.10	3%	2.7%	2.3%	2%	1.7%	1.3%	1%	0.6%	0.3%	Free	Free	Free	Free	Free	Free
7211.49.30	2.1%	1.9%	1.6%	1.4%	1.2%	0.9%	0.7%	0.4%	0.2%	Free	Free	Free	Free	Free	Free
7211.49.50	4.5%	4%	3.5%	3%	2.5%	2%	1.5%	1%	0.5%	Free	Free	Free	Free	Free	Free
7211.90.00	4.5%	4%	3.5%	3%	2.5%	2%	1.5%	1%	0.5%	Free	Free	Free	Free	Free	Free
7212.10.00	3.1%	2.8%	2.4%	2.1%	1.7%	1.4%	1%	0.7%	0.3%	Free	Free	Free	Free	Free	Free
7212.21.00	5.8%	5.2%	4.5%	3.9%	3.2%	2.6%	1.9%	1.3%	0.6%	Free	Free	Free	Free	Free	Free
7212.29.00	5.8%	5.2%	4.5%	3.9%	3.2%	2.6%	1.9%	1.3%	0.6%	Free	Free	Free	Free	Free	Free
7212.30.10	3%	2.7%	2.3%	2%	1.7%	1.3%	1%	0.6%	0.3%	Free	Free	Free	Free	Free	Free
7212.30.30	2.1%	1.9%	1.6%	1.4%	1.2%	0.9%	0.7%	0.4%	0.2%	Free	Free	Free	Free	Free	Free
7212.30.50	5.8%	5.2%	4.5%	3.9%	3.2%	2.6%	1.9%	1.3%	0.6%	Free	Free	Free	Free	Free	Free
7212.40.10	3%	2.7%	2.3%	2%	1.7%	1.3%	1%	0.6%	0.3%	Free	Free	Free	Free	Free	Free
7212.40.50	4.5%	4%	3.5%	3%	2.5%	2%	1.5%	1%	0.5%	Free	Free	Free	Free	Free	Free
7212.50.00	5.8%	5.2%	4.5%	3.9%	3.2%	2.6%	1.9%	1.3%	0.6%	Free	Free	Free	Free	Free	Free
7212.60.00	5.8%	5.2%	4.5%	3.9%	3.2%	2.6%	1.9%	1.3%	0.6%	Free	Free	Free	Free	Free	Free
7213.10.00	4.4%	3.9%	3.4%	2.9%	2.4%	1.9%	1.4%	0.9%	0.4%	Free	Free	Free	Free	Free	Free
7213.20.00	1.7%	1.5%	1.3%	1.1%	0.9%	0.7%	0.5%	0.3%	0.1%	Free	Free	Free	Free	Free	Free
7213.31.30	1.7%	1.5%	1.3%	1.1%	0.9%	0.7%	0.5%	0.3%	0.1%	Free	Free	Free	Free	Free	Free
7213.31.60	2%	1.8%	1.6%	1.3%	1.1%	0.9%	0.6%	0.4%	0.2%	Free	Free	Free	Free	Free	Free
7213.39.00	1.7%	1.5%	1.3%	1.1%	0.9%	0.7%	0.5%	0.3%	0.1%	Free	Free	Free	Free	Free	Free
7213.41.30	1.7%	1.5%	1.3%	1.1%	0.9%	0.7%	0.5%	0.3%	0.1%	Free	Free	Free	Free	Free	Free
7213.41.60	2%	1.8%	1.6%	1.3%	1.1%	0.9%	0.6%	0.4%	0.2%	Free	Free	Free	Free	Free	Free
7213.49.00	1.7%	1.5%	1.3%	1.1%	0.9%	0.7%	0.5%	0.3%	0.1%	Free	Free	Free	Free	Free	Free
7213.50.00	1.7%	1.5%	1.3%	1.1%	0.9%	0.7%	0.5%	0.3%	0.1%	Free	Free	Free	Free	Free	Free
7214.10.00	4.2%	3.7%	3.2%	2.8%	2.3%	1.8%	1.4%	0.9%	0.4%	Free	Free	Free	Free	Free	Free
7214.20.00	4.4%	3.9%	3.4%	2.9%	2.4%	1.9%	1.4%	0.9%	0.4%	Free	Free	Free	Free	Free	Free
7214.30.00	4.2%	3.7%	3.2%	2.8%	2.3%	1.8%	1.4%	0.9%	0.4%	Free	Free	Free	Free	Free	Free

Annex III (con.)
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Section (B). (con.)

Subheading	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
7214.40.00	4.2%	3.7%	3.2%	2.8%	2.3%	1.8%	1.4%	0.9%	0.4%	Free	Free	Free	Free	Free	Free
7214.50.00	4.2%	3.7%	3.2%	2.8%	2.3%	1.8%	1.4%	0.9%	0.4%	Free	Free	Free	Free	Free	Free
7214.60.00	4.2%	3.7%	3.2%	2.8%	2.3%	1.8%	1.4%	0.9%	0.4%	Free	Free	Free	Free	Free	Free
7215.10.00	6.7%	6%	5.2%	4.5%	3.7%	3%	2.2%	1.5%	0.7%	Free	Free	Free	Free	Free	Free
7215.20.00	6.7%	6%	5.2%	4.5%	3.7%	3%	2.2%	1.5%	0.7%	Free	Free	Free	Free	Free	Free
7215.30.00	6.7%	6%	5.2%	4.5%	3.7%	3%	2.2%	1.5%	0.7%	Free	Free	Free	Free	Free	Free
7215.40.00	6.7%	6%	5.2%	4.5%	3.7%	3%	2.2%	1.5%	0.7%	Free	Free	Free	Free	Free	Free
7215.90.10	2.8%	2.5%	2.2%	1.9%	1.6%	1.2%	0.9%	0.6%	0.3%	Free	Free	Free	Free	Free	Free
7215.90.30	6.7%	6%	5.2%	4.5%	3.7%	3%	2.2%	1.5%	0.7%	Free	Free	Free	Free	Free	Free
7216.10.00	0.8%	0.7%	0.6%	0.5%	0.4%	0.3%	0.2%	0.1%	Free	Free	Free	Free	Free	Free	Free
7216.21.00	0.8%	0.7%	0.6%	0.5%	0.4%	0.3%	0.2%	0.1%	Free	Free	Free	Free	Free	Free	Free
7216.22.00	0.8%	0.7%	0.6%	0.5%	0.4%	0.3%	0.2%	0.1%	Free	Free	Free	Free	Free	Free	Free
7216.31.00	0.8%	0.7%	0.6%	0.5%	0.4%	0.3%	0.2%	0.1%	Free	Free	Free	Free	Free	Free	Free
7216.32.00	0.8%	0.7%	0.6%	0.5%	0.4%	0.3%	0.2%	0.1%	Free	Free	Free	Free	Free	Free	Free
7216.33.00	0.8%	0.7%	0.6%	0.5%	0.4%	0.3%	0.2%	0.1%	Free	Free	Free	Free	Free	Free	Free
7216.40.00	0.8%	0.7%	0.6%	0.5%	0.4%	0.3%	0.2%	0.1%	Free	Free	Free	Free	Free	Free	Free
7216.50.00	0.8%	0.7%	0.6%	0.5%	0.4%	0.3%	0.2%	0.1%	Free	Free	Free	Free	Free	Free	Free
7216.90.00	3.9%	3.5%	3%	2.6%	2.2%	1.7%	1.3%	0.8%	0.4%	Free	Free	Free	Free	Free	Free
7217.11.10	3.7%	3.3%	2.9%	2.5%	2.1%	1.6%	1.2%	0.8%	0.4%	Free	Free	Free	Free	Free	Free
7217.11.20	2.8%	2.5%	2.2%	1.9%	1.6%	1.2%	0.9%	0.6%	0.3%	Free	Free	Free	Free	Free	Free
7217.11.30	4.5%	4%	3.5%	3%	2.5%	2%	1.5%	1%	0.5%	Free	Free	Free	Free	Free	Free
7217.11.50	4.7%	4.2%	3.7%	3.1%	2.6%	2.1%	1.5%	1%	0.5%	Free	Free	Free	Free	Free	Free
7217.11.70	1.3%	1.2%	1%	0.9%	0.7%	0.6%	0.4%	0.3%	0.1%	Free	Free	Free	Free	Free	Free
7217.11.90	4.9%	4.4%	3.8%	3.3%	2.7%	2.2%	1.6%	1.1%	0.5%	Free	Free	Free	Free	Free	Free
7217.12.10	4.6%	4.1%	3.6%	3.1%	2.6%	2%	1.5%	1%	0.5%	Free	Free	Free	Free	Free	Free
7217.12.30	4.7%	4.2%	3.7%	3.1%	2.6%	2.1%	1.5%	1%	0.5%	Free	Free	Free	Free	Free	Free
7217.12.50	1.3%	1.2%	1%	0.9%	0.7%	0.6%	0.4%	0.3%	0.1%	Free	Free	Free	Free	Free	Free
7217.12.70	5%	4.4%	3.9%	3.3%	2.8%	2.2%	1.6%	1.1%	0.5%	Free	Free	Free	Free	Free	Free
7217.13.10	4.6%	4.1%	3.6%	3.1%	2.6%	2%	1.5%	1%	0.5%	Free	Free	Free	Free	Free	Free
7217.13.30	4.7%	4.2%	3.7%	3.1%	2.6%	2.1%	1.5%	1%	0.5%	Free	Free	Free	Free	Free	Free
7217.13.50	1.3%	1.2%	1%	0.9%	0.7%	0.6%	0.4%	0.3%	0.1%	Free	Free	Free	Free	Free	Free
7217.13.70	5%	4.4%	3.9%	3.3%	2.8%	2.2%	1.6%	1.1%	0.5%	Free	Free	Free	Free	Free	Free
7217.19.10	0.8%	0.7%	0.6%	0.5%	0.4%	0.3%	0.2%	0.1%	Free	Free	Free	Free	Free	Free	Free
7217.19.50	4.7%	4.2%	3.7%	3.1%	2.6%	2.1%	1.5%	1%	0.5%	Free	Free	Free	Free	Free	Free
7217.21.10	2.8%	2.5%	2.2%	1.9%	1.6%	1.2%	0.9%	0.6%	0.3%	Free	Free	Free	Free	Free	Free
7217.21.30	4.7%	4.2%	3.7%	3.1%	2.6%	2.1%	1.5%	1%	0.5%	Free	Free	Free	Free	Free	Free
7217.21.50	4.9%	4.4%	3.8%	3.3%	2.7%	2.2%	1.6%	1.1%	0.5%	Free	Free	Free	Free	Free	Free
7217.22.10	4.7%	4.2%	3.7%	3.1%	2.6%	2.1%	1.5%	1%	0.5%	Free	Free	Free	Free	Free	Free
7217.22.50	4.6%	4.1%	3.6%	3.1%	2.6%	2%	1.5%	1%	0.5%	Free	Free	Free	Free	Free	Free
7217.23.10	4.7%	4.2%	3.7%	3.1%	2.6%	2.1%	1.5%	1%	0.5%	Free	Free	Free	Free	Free	Free
7217.23.50	4.6%	4.1%	3.6%	3.1%	2.6%	2%	1.5%	1%	0.5%	Free	Free	Free	Free	Free	Free
7217.29.10	0.8%	0.7%	0.6%	0.5%	0.4%	0.3%	0.2%	0.1%	Free	Free	Free	Free	Free	Free	Free
7217.29.50	4.7%	4.2%	3.7%	3.1%	2.6%	2.1%	1.5%	1%	0.5%	Free	Free	Free	Free	Free	Free

Annex III (con.)
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Section (B). (con.)

Subheading	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
7217.31.10	2.8%	2.5%	2.2%	1.9%	1.6%	1.2%	0.9%	0.6%	0.3%	Free	Free	Free	Free	Free	Free
7217.31.30	4.7%	4.2%	3.7%	3.1%	2.6%	2.1%	1.5%	1%	0.5%	Free	Free	Free	Free	Free	Free
7217.31.50	4.9%	4.4%	3.8%	3.3%	2.7%	2.2%	1.6%	1.1%	0.5%	Free	Free	Free	Free	Free	Free
7217.32.10	4.7%	4.2%	3.7%	3.1%	2.6%	2.1%	1.5%	1%	0.5%	Free	Free	Free	Free	Free	Free
7217.32.50	4.6%	4.1%	3.6%	3.1%	2.6%	2%	1.5%	1%	0.5%	Free	Free	Free	Free	Free	Free
7217.33.10	4.7%	4.2%	3.7%	3.1%	2.6%	2.1%	1.5%	1%	0.5%	Free	Free	Free	Free	Free	Free
7217.33.50	4.6%	4.1%	3.6%	3.1%	2.6%	2%	1.5%	1%	0.5%	Free	Free	Free	Free	Free	Free
7217.39.10	0.8%	0.7%	0.6%	0.5%	0.4%	0.3%	0.2%	0.1%	Free	Free	Free	Free	Free	Free	Free
7217.39.50	4.7%	4.2%	3.7%	3.1%	2.6%	2.1%	1.5%	1%	0.5%	Free	Free	Free	Free	Free	Free
7218.10.00	4.6%	4.1%	3.6%	3.1%	2.6%	2%	1.5%	1%	0.5%	Free	Free	Free	Free	Free	Free
7218.90.00	4.6%	4.1%	3.6%	3.1%	2.6%	2%	1.5%	1%	0.5%	Free	Free	Free	Free	Free	Free
7219.14.00	9%	8%	7%	6%	5%	4%	3%	2%	1%	Free	Free	Free	Free	Free	Free
7219.21.00	8.6%	7.6%	6.7%	5.7%	4.8%	3.8%	2.8%	1.9%	0.9%	Free	Free	Free	Free	Free	Free
7219.22.00	8.6%	7.6%	6.7%	5.7%	4.8%	3.8%	2.8%	1.9%	0.9%	Free	Free	Free	Free	Free	Free
7219.23.00	9%	8%	7%	6%	5%	4%	3%	2%	1%	Free	Free	Free	Free	Free	Free
7219.24.00	9%	8%	7%	6%	5%	4%	3%	2%	1%	Free	Free	Free	Free	Free	Free
7219.31.00	9%	8%	7%	6%	5%	4%	3%	2%	1%	Free	Free	Free	Free	Free	Free
7219.32.00	9%	8%	7%	6%	5%	4%	3%	2%	1%	Free	Free	Free	Free	Free	Free
7219.33.00	9%	8%	7%	6%	5%	4%	3%	2%	1%	Free	Free	Free	Free	Free	Free
7219.34.00	9%	8%	7%	6%	5%	4%	3%	2%	1%	Free	Free	Free	Free	Free	Free
7219.35.00	9%	8%	7%	6%	5%	4%	3%	2%	1%	Free	Free	Free	Free	Free	Free
7219.90.00	5.3%	4.7%	4.1%	3.5%	2.9%	2.3%	1.7%	1.1%	0.5%	Free	Free	Free	Free	Free	Free
7220.11.00	9.5%	8.4%	7.4%	6.3%	5.3%	4.2%	3.1%	2.1%	1%	Free	Free	Free	Free	Free	Free
7220.12.10	9%	8%	7%	6%	5%	4%	3%	2%	1%	Free	Free	Free	Free	Free	Free
7220.12.50	10.4%	9.2%	8.1%	6.9%	5.8%	4.6%	3.4%	2.3%	1.1%	Free	Free	Free	Free	Free	Free
7220.20.10	9%	8%	7%	6%	5%	4%	3%	2%	1%	Free	Free	Free	Free	Free	Free
7220.20.60	10.4%	9.2%	8.1%	6.9%	5.8%	4.6%	3.4%	2.3%	1.1%	Free	Free	Free	Free	Free	Free
7220.20.70	9.5%	8.4%	7.4%	6.3%	5.3%	4.2%	3.1%	2.1%	1%	Free	Free	Free	Free	Free	Free
7220.20.80	4.6%	4.1%	3.6%	3.1%	2.6%	2%	1.5%	1%	0.5%	Free	Free	Free	Free	Free	Free
7220.20.90	7.2%	6.4%	5.6%	4.8%	4%	3.2%	2.4%	1.6%	0.8%	Free	Free	Free	Free	Free	Free
7220.90.00	5.1%	4.5%	3.9%	3.4%	2.8%	2.2%	1.7%	1.1%	0.5%	Free	Free	Free	Free	Free	Free
7221.00.00	4.2%	3.7%	3.2%	2.8%	2.3%	1.8%	1.4%	0.9%	0.4%	Free	Free	Free	Free	Free	Free
7222.10.00	9.5%	8.4%	7.4%	6.3%	5.3%	4.2%	3.1%	2.1%	1%	Free	Free	Free	Free	Free	Free
7222.20.00	9.5%	8.4%	7.4%	6.3%	5.3%	4.2%	3.1%	2.1%	1%	Free	Free	Free	Free	Free	Free
7222.30.00	9.5%	8.4%	7.4%	6.3%	5.3%	4.2%	3.1%	2.1%	1%	Free	Free	Free	Free	Free	Free
7222.40.30	1.8%	1.6%	1.4%	1.2%	1%	0.8%	0.6%	0.4%	0.2%	Free	Free	Free	Free	Free	Free
7222.40.60	4.7%	4.2%	3.7%	3.1%	2.6%	2.1%	1.5%	1%	0.5%	Free	Free	Free	Free	Free	Free
7223.00.10	8.1%	7.2%	6.3%	5.4%	4.5%	3.6%	2.7%	1.8%	0.9%	Free	Free	Free	Free	Free	Free
7223.00.50	2.9%	2.6%	2.3%	1.9%	1.6%	1.3%	0.9%	0.6%	0.3%	Free	Free	Free	Free	Free	Free
7223.00.90	5.6%	5%	4.4%	3.7%	3.1%	2.5%	1.8%	1.2%	0.6%	Free	Free	Free	Free	Free	Free
7224.10.00	4.5%	4%	3.5%	3%	2.5%	2%	1.5%	1%	0.5%	Free	Free	Free	Free	Free	Free
7224.90.00	4.5%	4%	3.5%	3%	2.5%	2%	1.5%	1%	0.5%	Free	Free	Free	Free	Free	Free
7225.30.10	8.6%	7.6%	6.7%	5.7%	4.8%	3.8%	2.8%	1.9%	0.9%	Free	Free	Free	Free	Free	Free

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Section (B). (con.)

Subheading	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
7225.30.30	3.4%	3%	2.6%	2.2%	1.9%	1.5%	1.1%	0.7%	0.3%	Free	Free	Free	Free	Free	Free
7225.30.50	8.6%	7.6%	6.7%	5.7%	4.8%	3.8%	2.8%	1.9%	0.9%	Free	Free	Free	Free	Free	Free
7225.30.70	8.5%	7.6%	6.6%	5.7%	4.7%	3.8%	2.8%	1.9%	0.9%	Free	Free	Free	Free	Free	Free
7225.40.10	8.6%	7.6%	6.7%	5.7%	4.8%	3.8%	2.8%	1.9%	0.9%	Free	Free	Free	Free	Free	Free
7225.40.30	3.4%	3%	2.6%	2.2%	1.9%	1.5%	1.1%	0.7%	0.3%	Free	Free	Free	Free	Free	Free
7225.40.50	8.6%	7.6%	6.7%	5.7%	4.8%	3.8%	2.8%	1.9%	0.9%	Free	Free	Free	Free	Free	Free
7225.40.70	8.5%	7.6%	6.6%	5.7%	4.7%	3.8%	2.8%	1.9%	0.9%	Free	Free	Free	Free	Free	Free
7225.50.10	9%	8%	7%	6%	5%	4%	3%	2%	1%	Free	Free	Free	Free	Free	Free
7225.50.60	5.2%	4.6%	4%	3.4%	2.9%	2.3%	1.7%	1.1%	0.5%	Free	Free	Free	Free	Free	Free
7225.50.70	3.6%	3.2%	2.8%	2.4%	2%	1.6%	1.2%	0.8%	0.4%	Free	Free	Free	Free	Free	Free
7225.50.80	3.6%	3.2%	2.8%	2.4%	2%	1.6%	1.2%	0.8%	0.4%	Free	Free	Free	Free	Free	Free
7226.91.25	10.4%	9.2%	8.1%	6.9%	5.8%	4.6%	3.4%	2.3%	1.1%	Free	Free	Free	Free	Free	Free
7226.91.70	8.5%	7.6%	6.6%	5.7%	4.7%	3.8%	2.8%	1.9%	0.9%	Free	Free	Free	Free	Free	Free
7226.91.80	5.6%	5%	4.4%	3.7%	3.1%	2.5%	1.8%	1.2%	0.6%	Free	Free	Free	Free	Free	Free
7226.99.00	5.6%	5%	4.4%	3.7%	3.1%	2.5%	1.8%	1.2%	0.6%	Free	Free	Free	Free	Free	Free
7227.10.00	4.7%	4.2%	3.7%	3.1%	2.6%	2.1%	1.5%	1%	0.5%	Free	Free	Free	Free	Free	Free
7227.20.00	4%	3.6%	3.1%	2.7%	2.2%	1.8%	1.3%	0.9%	0.4%	Free	Free	Free	Free	Free	Free
7227.90.10	1.8%	1.6%	1.4%	1.2%	1%	0.8%	0.6%	0.4%	0.2%	Free	Free	Free	Free	Free	Free
7227.90.20	3.7%	3.3%	2.9%	2.5%	2.1%	1.6%	1.2%	0.8%	0.4%	Free	Free	Free	Free	Free	Free
7227.90.60	4%	3.6%	3.1%	2.7%	2.2%	1.8%	1.3%	0.9%	0.4%	Free	Free	Free	Free	Free	Free
7228.10.00	10.3%	9.2%	8%	6.9%	5.7%	4.6%	3.4%	2.3%	1.1%	Free	Free	Free	Free	Free	Free
7228.20.10	5.4%	4.8%	4.2%	3.6%	3%	2.4%	1.8%	1.2%	0.6%	Free	Free	Free	Free	Free	Free
7228.20.50	6.7%	6%	5.2%	4.5%	3.7%	3%	2.2%	1.5%	0.7%	Free	Free	Free	Free	Free	Free
7228.30.20	5.4%	4.8%	4.2%	3.6%	3%	2.4%	1.8%	1.2%	0.6%	Free	Free	Free	Free	Free	Free
7228.30.60	9.5%	8.4%	7.4%	6.3%	5.3%	4.2%	3.1%	2.1%	1%	Free	Free	Free	Free	Free	Free
7228.30.80	5.4%	4.8%	4.2%	3.6%	3%	2.4%	1.8%	1.2%	0.6%	Free	Free	Free	Free	Free	Free
7228.40.00	5.4%	4.8%	4.2%	3.6%	3%	2.4%	1.8%	1.2%	0.6%	Free	Free	Free	Free	Free	Free
7228.50.10	9.5%	8.4%	7.4%	6.3%	5.3%	4.2%	3.1%	2.1%	1%	Free	Free	Free	Free	Free	Free
7228.50.50	6.7%	6%	5.2%	4.5%	3.7%	3%	2.2%	1.5%	0.7%	Free	Free	Free	Free	Free	Free
7228.60.10	9.5%	8.4%	7.4%	6.3%	5.3%	4.2%	3.1%	2.1%	1%	Free	Free	Free	Free	Free	Free
7228.60.60	5.4%	4.8%	4.2%	3.6%	3%	2.4%	1.8%	1.2%	0.6%	Free	Free	Free	Free	Free	Free
7228.60.80	6.7%	6%	5.2%	4.5%	3.7%	3%	2.2%	1.5%	0.7%	Free	Free	Free	Free	Free	Free
7228.70.30	1.8%	1.6%	1.4%	1.2%	1%	0.8%	0.6%	0.4%	0.2%	Free	Free	Free	Free	Free	Free
7228.70.60	4.7%	4.2%	3.7%	3.1%	2.6%	2.1%	1.5%	1%	0.5%	Free	Free	Free	Free	Free	Free
7229.10.00	9%	8%	7%	6%	5%	4%	3%	2%	1%	Free	Free	Free	Free	Free	Free
7229.20.00	8.1%	7.2%	6.3%	5.4%	4.5%	3.6%	2.7%	1.8%	0.9%	Free	Free	Free	Free	Free	Free
7229.90.10	5.2%	4.6%	4%	3.4%	2.9%	2.3%	1.7%	1.1%	0.5%	Free	Free	Free	Free	Free	Free
7229.90.50	8.1%	7.2%	6.3%	5.4%	4.5%	3.6%	2.7%	1.8%	0.9%	Free	Free	Free	Free	Free	Free
7229.90.90	5.5%	4.9%	4.3%	3.7%	3.1%	2.4%	1.8%	1.2%	0.6%	Free	Free	Free	Free	Free	Free
7301.10.00	0.7%	0.6%	0.5%	0.4%	0.4%	0.3%	0.2%	0.1%	Free	Free	Free	Free	Free	Free	Free
7301.20.10	2.5%	2.2%	1.9%	1.6%	1.4%	1.1%	0.8%	0.5%	0.2%	Free	Free	Free	Free	Free	Free
7301.20.50	3.5%	3.1%	2.7%	2.3%	1.9%	1.5%	1.1%	0.7%	0.3%	Free	Free	Free	Free	Free	Free
7302.10.10	0.2%	0.2%	0.2%	0.1%	0.1%	0.1%	Free	Free	Free	Free	Free	Free	Free	Free	Free

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Section (B). (con.)

Subheading	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
7302.10.50	3.1%	2.8%	2.4%	2.1%	1.7%	1.4%	1%	0.7%	0.3%	Free	Free	Free	Free	Free	Free
7302.20.00	0.8%	0.7%	0.6%	0.5%	0.4%	0.3%	0.2%	0.1%	Free	Free	Free	Free	Free	Free	Free
7302.40.00	0.8%	0.7%	0.6%	0.5%	0.4%	0.3%	0.2%	0.1%	Free	Free	Free	Free	Free	Free	Free
7304.10.10	7.2%	6.4%	5.6%	4.8%	4%	3.2%	2.4%	1.6%	0.8%	Free	Free	Free	Free	Free	Free
7304.10.50	6.7%	6%	5.2%	4.5%	3.7%	3%	2.2%	1.5%	0.7%	Free	Free	Free	Free	Free	Free
7304.20.10	5.4%	4.8%	4.2%	3.6%	3%	2.4%	1.8%	1.2%	0.6%	Free	Free	Free	Free	Free	Free
7304.20.20	0.4%	0.4%	0.3%	0.3%	0.2%	0.2%	0.1%	0.1%	Free	Free	Free	Free	Free	Free	Free
7304.20.30	5.5%	4.9%	4.3%	3.7%	3.1%	2.4%	1.8%	1.2%	0.6%	Free	Free	Free	Free	Free	Free
7304.20.40	2.9%	2.6%	2.3%	1.9%	1.6%	1.3%	0.9%	0.6%	0.3%	Free	Free	Free	Free	Free	Free
7304.20.50	7.2%	6.4%	5.6%	4.8%	4%	3.2%	2.4%	1.6%	0.8%	Free	Free	Free	Free	Free	Free
7304.20.60	6.7%	6%	5.2%	4.5%	3.7%	3%	2.2%	1.5%	0.7%	Free	Free	Free	Free	Free	Free
7304.20.70	7.2%	6.4%	5.6%	4.8%	4%	3.2%	2.4%	1.6%	0.8%	Free	Free	Free	Free	Free	Free
7304.20.80	6.7%	6%	5.2%	4.5%	3.7%	3%	2.2%	1.5%	0.7%	Free	Free	Free	Free	Free	Free
7304.31.30	5.5%	4.9%	4.3%	3.7%	3.1%	2.4%	1.8%	1.2%	0.6%	Free	Free	Free	Free	Free	Free
7304.31.60	7.2%	6.4%	5.6%	4.8%	4%	3.2%	2.4%	1.6%	0.8%	Free	Free	Free	Free	Free	Free
7304.39.00	7.2%	6.4%	5.6%	4.8%	4%	3.2%	2.4%	1.6%	0.8%	Free	Free	Free	Free	Free	Free
7304.51.50	6.7%	6%	5.2%	4.5%	3.7%	3%	2.2%	1.5%	0.7%	Free	Free	Free	Free	Free	Free
7304.59.10	6.1%	5.4%	4.7%	4%	3.4%	2.7%	2%	1.3%	0.6%	Free	Free	Free	Free	Free	Free
7304.59.20	6.7%	6%	5.2%	4.5%	3.7%	3%	2.2%	1.5%	0.7%	Free	Free	Free	Free	Free	Free
7304.59.60	6.8%	6%	5.3%	4.5%	3.8%	3%	2.2%	1.5%	0.7%	Free	Free	Free	Free	Free	Free
7304.59.80	6.7%	6%	5.2%	4.5%	3.7%	3%	2.2%	1.5%	0.7%	Free	Free	Free	Free	Free	Free
7304.90.10	0.4%	0.4%	0.3%	0.3%	0.2%	0.2%	0.1%	0.1%	Free	Free	Free	Free	Free	Free	Free
7304.90.30	2.9%	2.6%	2.3%	1.9%	1.6%	1.3%	0.9%	0.6%	0.3%	Free	Free	Free	Free	Free	Free
7304.90.50	7.2%	6.4%	5.6%	4.8%	4%	3.2%	2.4%	1.6%	0.8%	Free	Free	Free	Free	Free	Free
7304.90.70	6.7%	6%	5.2%	4.5%	3.7%	3%	2.2%	1.5%	0.7%	Free	Free	Free	Free	Free	Free
7305.11.10	1.7%	1.5%	1.3%	1.1%	0.9%	0.7%	0.5%	0.3%	0.1%	Free	Free	Free	Free	Free	Free
7305.11.50	4.4%	3.9%	3.4%	2.9%	2.4%	1.9%	1.4%	0.9%	0.4%	Free	Free	Free	Free	Free	Free
7305.12.10	1.7%	1.5%	1.3%	1.1%	0.9%	0.7%	0.5%	0.3%	0.1%	Free	Free	Free	Free	Free	Free
7305.12.50	4.4%	3.9%	3.4%	2.9%	2.4%	1.9%	1.4%	0.9%	0.4%	Free	Free	Free	Free	Free	Free
7305.19.10	1.7%	1.5%	1.3%	1.1%	0.9%	0.7%	0.5%	0.3%	0.1%	Free	Free	Free	Free	Free	Free
7305.19.50	4.4%	3.9%	3.4%	2.9%	2.4%	1.9%	1.4%	0.9%	0.4%	Free	Free	Free	Free	Free	Free
7305.20.20	5.4%	4.8%	4.2%	3.6%	3%	2.4%	1.8%	1.2%	0.6%	Free	Free	Free	Free	Free	Free
7305.20.40	0.4%	0.4%	0.3%	0.3%	0.2%	0.2%	0.1%	0.1%	Free	Free	Free	Free	Free	Free	Free
7305.20.60	5.5%	4.9%	4.3%	3.7%	3.1%	2.4%	1.8%	1.2%	0.6%	Free	Free	Free	Free	Free	Free
7305.20.80	2.9%	2.6%	2.3%	1.9%	1.6%	1.3%	0.9%	0.6%	0.3%	Free	Free	Free	Free	Free	Free
7305.31.40	1.7%	1.5%	1.3%	1.1%	0.9%	0.7%	0.5%	0.3%	0.1%	Free	Free	Free	Free	Free	Free
7305.31.60	4.4%	3.9%	3.4%	2.9%	2.4%	1.9%	1.4%	0.9%	0.4%	Free	Free	Free	Free	Free	Free
7305.39.10	1.7%	1.5%	1.3%	1.1%	0.9%	0.7%	0.5%	0.3%	0.1%	Free	Free	Free	Free	Free	Free
7305.39.50	4.4%	3.9%	3.4%	2.9%	2.4%	1.9%	1.4%	0.9%	0.4%	Free	Free	Free	Free	Free	Free
7305.90.10	1.7%	1.5%	1.3%	1.1%	0.9%	0.7%	0.5%	0.3%	0.1%	Free	Free	Free	Free	Free	Free
7305.90.50	4.4%	3.9%	3.4%	2.9%	2.4%	1.9%	1.4%	0.9%	0.4%	Free	Free	Free	Free	Free	Free
7306.10.10	1.7%	1.5%	1.3%	1.1%	0.9%	0.7%	0.5%	0.3%	0.1%	Free	Free	Free	Free	Free	Free
7306.10.50	4.4%	3.9%	3.4%	2.9%	2.4%	1.9%	1.4%	0.9%	0.4%	Free	Free	Free	Free	Free	Free

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Section (B). (con.)

Subheading	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
7306.20.10	5.4%	4.8%	4.2%	3.6%	3%	2.4%	1.8%	1.2%	0.6%	Free	Free	Free	Free	Free	Free
7306.20.20	0.4%	0.4%	0.3%	0.3%	0.2%	0.2%	0.1%	0.1%	Free	Free	Free	Free	Free	Free	Free
7306.20.30	5.5%	4.9%	4.3%	3.7%	3.1%	2.4%	1.8%	1.2%	0.6%	Free	Free	Free	Free	Free	Free
7306.20.40	2.9%	2.6%	2.3%	1.9%	1.6%	1.3%	0.9%	0.6%	0.3%	Free	Free	Free	Free	Free	Free
7306.20.60	1.7%	1.5%	1.3%	1.1%	0.9%	0.7%	0.5%	0.3%	0.1%	Free	Free	Free	Free	Free	Free
7306.20.80	4.4%	3.9%	3.4%	2.9%	2.4%	1.9%	1.4%	0.9%	0.4%	Free	Free	Free	Free	Free	Free
7306.30.10	7.2%	6.4%	5.6%	4.8%	4%	3.2%	2.4%	1.6%	0.8%	Free	Free	Free	Free	Free	Free
7306.30.50	1.7%	1.5%	1.3%	1.1%	0.9%	0.7%	0.5%	0.3%	0.1%	Free	Free	Free	Free	Free	Free
7306.40.10	6.8%	6%	5.3%	4.5%	3.8%	3%	2.2%	1.5%	0.7%	Free	Free	Free	Free	Free	Free
7306.40.50	4.5%	4%	3.5%	3%	2.5%	2%	1.5%	1%	0.5%	Free	Free	Free	Free	Free	Free
7306.50.10	6.7%	6%	5.2%	4.5%	3.7%	3%	2.2%	1.5%	0.7%	Free	Free	Free	Free	Free	Free
7306.50.50	4.4%	3.9%	3.4%	2.9%	2.4%	1.9%	1.4%	0.9%	0.4%	Free	Free	Free	Free	Free	Free
7306.60.10	0.4%	0.4%	0.3%	0.3%	0.2%	0.2%	0.1%	0.1%	Free	Free	Free	Free	Free	Free	Free
7306.60.30	4%	3.6%	3.1%	2.7%	2.2%	1.8%	1.3%	0.9%	0.4%	Free	Free	Free	Free	Free	Free
7306.60.50	7.2%	6.4%	5.6%	4.8%	4%	3.2%	2.4%	1.6%	0.8%	Free	Free	Free	Free	Free	Free
7306.60.70	6.7%	6%	5.2%	4.5%	3.7%	3%	2.2%	1.5%	0.7%	Free	Free	Free	Free	Free	Free
7306.90.10	1.7%	1.5%	1.3%	1.1%	0.9%	0.7%	0.5%	0.3%	0.1%	Free	Free	Free	Free	Free	Free
7306.90.50	4.4%	3.9%	3.4%	2.9%	2.4%	1.9%	1.4%	0.9%	0.4%	Free	Free	Free	Free	Free	Free
7307.19.90	5.5%	4.9%	4.3%	3.7%	3.1%	2.4%	1.8%	1.2%	0.6%	Free	Free	Free	Free	Free	Free
7307.93.30	5.5%	4.9%	4.3%	3.7%	3.1%	2.4%	1.8%	1.2%	0.6%	Free	Free	Free	Free	Free	Free
7308.90.30	2.5%	2.2%	1.9%	1.6%	1.4%	1.1%	0.8%	0.5%	0.2%	Free	Free	Free	Free	Free	Free
7308.90.60	3.5%	3.1%	2.7%	2.3%	1.9%	1.5%	1.1%	0.7%	0.3%	Free	Free	Free	Free	Free	Free
7312.10.30	4.4%	3.9%	3.4%	2.9%	2.4%	1.9%	1.4%	0.9%	0.4%	Free	Free	Free	Free	Free	Free
7312.10.50	5.1%	4.5%	3.9%	3.4%	2.8%	2.2%	1.7%	1.1%	0.5%	Free	Free	Free	Free	Free	Free
7312.10.60	3.9%	3.5%	3%	2.6%	2.2%	1.7%	1.3%	0.8%	0.4%	Free	Free	Free	Free	Free	Free
7312.10.70	5.1%	4.5%	3.9%	3.4%	2.8%	2.2%	1.7%	1.1%	0.5%	Free	Free	Free	Free	Free	Free
7312.10.90	3.6%	3.2%	2.8%	2.4%	2%	1.6%	1.2%	0.8%	0.4%	Free	Free	Free	Free	Free	Free
7314.19.00	4.4%	3.9%	3.4%	2.9%	2.4%	1.9%	1.4%	0.9%	0.4%	Free	Free	Free	Free	Free	Free
7314.30.10	0.1¢/kg	0.1¢/kg	0.1¢/kg	0.1¢/kg	0.1¢/kg	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
7314.41.00	0.1¢/kg	0.1¢/kg	0.1¢/kg	0.1¢/kg	0.1¢/kg	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
7314.42.00	0.1¢/kg	0.1¢/kg	0.1¢/kg	0.1¢/kg	0.1¢/kg	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
7317.00.55	0.4%	0.4%	0.3%	0.3%	0.2%	0.2%	0.1%	0.1%	Free	Free	Free	Free	Free	Free	Free
7318.11.00	11.2%	10%	8.7%	7.5%	6.2%	5%	3.7%	2.5%	1.2%	Free	Free	Free	Free	Free	Free
7318.14.10	5.5%	4.9%	4.3%	3.7%	3.1%	2.4%	1.8%	1.2%	0.6%	Free	Free	Free	Free	Free	Free
7318.14.50	8.5%	7.6%	6.6%	5.7%	4.7%	3.8%	2.8%	1.9%	0.9%	Free	Free	Free	Free	Free	Free
7318.15.20	0.6%	0.5%	0.4%	0.4%	0.3%	0.2%	0.2%	0.1%	Free	Free	Free	Free	Free	Free	Free
7318.15.40	0.9¢/kg	0.8¢/kg	0.7¢/kg	0.6¢/kg	0.5¢/kg	0.4¢/kg	0.3¢/kg	0.2¢/kg	0.1¢/kg	Free	Free	Free	Free	Free	Free
7318.15.60	5.5%	4.9%	4.3%	3.7%	3.1%	2.4%	1.8%	1.2%	0.6%	Free	Free	Free	Free	Free	Free
7318.15.80	8.5%	7.6%	6.6%	5.7%	4.7%	3.8%	2.8%	1.9%	0.9%	Free	Free	Free	Free	Free	Free
7318.16.00	0.1%	0.1%	0.1%	0.1%	0.1%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
7323.94.00	2.4%	2.1%	1.8%	1.6%	1.3%	1%	0.8%	0.5%	0.2%	Free	Free	Free	Free	Free	Free
7324.90.00	3%	2.7%	2.3%	2%	1.7%	1.3%	1%	0.6%	0.3%	Free	Free	Free	Free	Free	Free
7326.90.35	6.2%	4.6%	3.1%	1.5%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free

Annex III (con.)
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Section (B). (con.)

Subheading	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
7402.00.00	0.8% on the value of the copper content	0.6% on the value of the copper content	0.4% on the value of the copper content	0.2% on the value of the copper content	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
7419.99.15	7%	6.2%	5.4%	4.6%	3.9%	3.1%	2.3%	1.5%	0.7%	Free	Free	Free	Free	Free	Free
7601.10.30	2.3%	2%	1.8%	1.5%	1.3%	1%	0.7%	0.5%	0.2%	Free	Free	Free	Free	Free	Free
7601.20.30	2.3%	2%	1.8%	1.5%	1.3%	1%	0.7%	0.5%	0.2%	Free	Free	Free	Free	Free	Free
7601.20.60	1.8%	1.6%	1.4%	1.2%	1%	0.8%	0.6%	0.4%	0.2%	Free	Free	Free	Free	Free	Free
7604.21.00	1.3%	1.2%	1%	0.9%	0.7%	0.6%	0.4%	0.3%	0.1%	Free	Free	Free	Free	Free	Free
7614.10.10	4.4%	3.9%	3.4%	2.9%	2.4%	1.9%	1.4%	0.9%	0.4%	Free	Free	Free	Free	Free	Free
7614.90.40	4.4%	3.9%	3.4%	2.9%	2.4%	1.9%	1.4%	0.9%	0.4%	Free	Free	Free	Free	Free	Free
7901.12.10	17.1%	15.2%	13.3%	11.4%	9.5%	7.6%	5.7%	3.8%	1.9%	Free	Free	Free	Free	Free	Free
7902.00.00	1.6%	1.2%	0.8%	0.4%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
8101.93.00	5.2%	3.9%	2.6%	1.3%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
8104.19.00	5.2%	3.9%	2.6%	1.3%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
8104.30.00	5.2%	3.9%	2.6%	1.3%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
8203.20.40	10.8%	9.6%	8.4%	7.2%	6%	4.8%	3.6%	2.4%	1.2%	Free	Free	Free	Free	Free	Free
8213.00.90	9¢ each + 9%	8¢ each + 8%	7¢ each + 7%	6¢ each + 6%	5¢ each + 5%	4¢ each + 4%	3¢ each + 3%	2¢ each + 2%	1¢ each + 1%	Free	Free	Free	Free	Free	Free
8301.10.20	2%	1.8%	1.6%	1.3%	1.1%	0.9%	0.6%	0.4%	0.2%	Free	Free	Free	Free	Free	Free
8301.10.40	3.4%	3%	2.6%	2.2%	1.9%	1.5%	1.1%	0.7%	0.3%	Free	Free	Free	Free	Free	Free
8301.10.80	4.3%	3.8%	3.3%	2.8%	2.4%	1.9%	1.4%	0.9%	0.4%	Free	Free	Free	Free	Free	Free
8302.30.60	4%	3%	2%	1%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
8409.91.91	2.4%	1.8%	1.2%	0.6%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
8419.19.00	3.6%	3.2%	2.8%	2.4%	2%	1.6%	1.2%	0.8%	0.4%	Free	Free	Free	Free	Free	Free
8428.90.00	1.6%	1.2%	0.8%	0.4%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
8430.49.40	5.1%	4.5%	3.9%	3.4%	2.8%	2.2%	1.7%	1.1%	0.5%	Free	Free	Free	Free	Free	Free
8431.43.40	4.5%	3.4%	2.2%	1.1%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
8482.10.10	3.7%	3.3%	2.9%	2.5%	2.1%	1.6%	1.2%	0.8%	0.4%	Free	Free	Free	Free	Free	Free
8482.10.50	9.9%	8.8%	7.7%	6.6%	5.5%	4.4%	3.3%	2.2%	1.1%	Free	Free	Free	Free	Free	Free
8482.20.00	5.8%	5.2%	4.5%	3.9%	3.2%	2.6%	1.9%	1.3%	0.6%	Free	Free	Free	Free	Free	Free
8482.30.00	5.8%	5.2%	4.5%	3.9%	3.2%	2.6%	1.9%	1.3%	0.6%	Free	Free	Free	Free	Free	Free
8482.40.00	5.8%	5.2%	4.5%	3.9%	3.2%	2.6%	1.9%	1.3%	0.6%	Free	Free	Free	Free	Free	Free
8482.50.00	5.8%	5.2%	4.5%	3.9%	3.2%	2.6%	1.9%	1.3%	0.6%	Free	Free	Free	Free	Free	Free
8482.80.00	5.8%	5.2%	4.5%	3.9%	3.2%	2.6%	1.9%	1.3%	0.6%	Free	Free	Free	Free	Free	Free
8482.91.00	4.4%	3.9%	3.4%	2.9%	2.4%	1.9%	1.4%	0.9%	0.4%	Free	Free	Free	Free	Free	Free
8482.99.05	9.9%	8.8%	7.7%	6.6%	5.5%	4.4%	3.3%	2.2%	1.1%	Free	Free	Free	Free	Free	Free
8482.99.15	5.8%	5.2%	4.5%	3.9%	3.2%	2.6%	1.9%	1.3%	0.6%	Free	Free	Free	Free	Free	Free
8482.99.25	5.8%	5.2%	4.5%	3.9%	3.2%	2.6%	1.9%	1.3%	0.6%	Free	Free	Free	Free	Free	Free
8482.99.35	9.9%	8.8%	7.7%	6.6%	5.5%	4.4%	3.3%	2.2%	1.1%	Free	Free	Free	Free	Free	Free
8482.99.45	5.8%	5.2%	4.5%	3.9%	3.2%	2.6%	1.9%	1.3%	0.6%	Free	Free	Free	Free	Free	Free
8482.99.65	5.8%	5.2%	4.5%	3.9%	3.2%	2.6%	1.9%	1.3%	0.6%	Free	Free	Free	Free	Free	Free
8483.20.80	5.1%	4.5%	3.9%	3.4%	2.8%	2.2%	1.7%	1.1%	0.5%	Free	Free	Free	Free	Free	Free
8483.30.80	4.5%	3.4%	2.2%	1.1%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free

Annex III (con.)
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Section (B). (con.)

Subheading	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
8483.50.60	4.5%	3.4%	2.2%	1.1%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
8483.50.90	4.5%	3.4%	2.2%	1.1%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
8483.60.80	4.5%	3.4%	2.2%	1.1%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
8483.90.30	4.5%	3.4%	2.2%	1.1%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
8483.90.80	4.5%	3.4%	2.2%	1.1%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
8501.40.40	4%	3%	2%	1%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
8509.90.05	2.7%	2%	1.3%	0.6%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
8509.90.15	2.7%	2%	1.3%	0.6%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
8532.10.00	8%	6%	4%	2%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
8532.22.00	9%	8%	7%	6%	5%	4%	3%	2%	1%	Free	Free	Free	Free	Free	Free
8532.25.00	9%	8%	7%	6%	5%	4%	3%	2%	1%	Free	Free	Free	Free	Free	Free
8536.50.40	4.2%	3.1%	2.1%	1%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
8536.50.80	4.2%	3.1%	2.1%	1%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
8544.51.80	4.7%	4.2%	3.7%	3.1%	2.6%	2.1%	1.5%	1%	0.5%	Free	Free	Free	Free	Free	Free
8607.19.03	0.4%	0.3%	0.2%	0.1%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
8607.19.06	0.4%	0.3%	0.2%	0.1%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
8701.20.00	3.6%	3.2%	2.8%	2.4%	2%	1.6%	1.2%	0.8%	0.4%	Free	Free	Free	Free	Free	Free
8704.10.10	3.6%	3.2%	2.8%	2.4%	2%	1.6%	1.2%	0.8%	0.4%	Free	Free	Free	Free	Free	Free
8704.22.10	3.6%	3.2%	2.8%	2.4%	2%	1.6%	1.2%	0.8%	0.4%	Free	Free	Free	Free	Free	Free
8706.00.03	3.2%	2.4%	1.6%	0.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
8706.00.05	3.2%	2.4%	1.6%	0.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
8706.00.15	2%	1.5%	1%	0.5%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
8707.90.50	3.2%	2.4%	1.6%	0.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
8708.21.00	2.4%	1.8%	1.2%	0.6%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
8708.92.50	2.4%	1.8%	1.2%	0.6%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
8712.00.15	9.9%	8.8%	7.7%	6.6%	5.5%	4.4%	3.3%	2.2%	1.1%	Free	Free	Free	Free	Free	Free
8712.00.25	4.9%	4.4%	3.8%	3.3%	2.7%	2.2%	1.6%	1.1%	0.5%	Free	Free	Free	Free	Free	Free
8712.00.35	9.9%	8.8%	7.7%	6.6%	5.5%	4.4%	3.3%	2.2%	1.1%	Free	Free	Free	Free	Free	Free
8712.00.40	13.5%	12%	10.5%	9%	7.5%	6%	4.5%	3%	1.5%	Free	Free	Free	Free	Free	Free
8714.91.30	4.4%	3.9%	3.4%	2.9%	2.4%	1.9%	1.4%	0.9%	0.4%	Free	Free	Free	Free	Free	Free
8714.91.50	5.4%	4.8%	4.2%	3.6%	3%	2.4%	1.8%	1.2%	0.6%	Free	Free	Free	Free	Free	Free
8714.91.90	9%	8%	7%	6%	5%	4%	3%	2%	1%	Free	Free	Free	Free	Free	Free
8714.92.10	5.4%	4.8%	4.2%	3.6%	3%	2.4%	1.8%	1.2%	0.6%	Free	Free	Free	Free	Free	Free
8714.93.30	9%	8%	7%	6%	5%	4%	3%	2%	1%	Free	Free	Free	Free	Free	Free
8714.94.60	9%	8%	7%	6%	5%	4%	3%	2%	1%	Free	Free	Free	Free	Free	Free
8714.95.00	9%	8%	7%	6%	5%	4%	3%	2%	1%	Free	Free	Free	Free	Free	Free
8714.96.10	9%	8%	7%	6%	5%	4%	3%	2%	1%	Free	Free	Free	Free	Free	Free
8714.96.90	9%	8%	7%	6%	5%	4%	3%	2%	1%	Free	Free	Free	Free	Free	Free
8714.99.90	9%	8%	7%	6%	5%	4%	3%	2%	1%	Free	Free	Free	Free	Free	Free
9029.20.20	13.6%	10.2%	6.8%	3.4%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
9029.90.40	13.6%	10.2%	6.8%	3.4%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free

Annex III (con.)

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Section (B). (con.)

Subheading	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
9101.11.40	47.6¢ each + 5.8% on the case and strap, band or bracelet + 4.9% on the battery	44.2¢ each + 5.4% on the case and strap, band or bracelet + 4.5% on the battery	40.8¢ each + 5% on the case and strap, band or bracelet + 4.2% on the battery	37.4¢ each + 4.5% on the case and strap, band or bracelet + 3.8% on the battery	34¢ each + 4.1% on the case and strap, band or bracelet + 3.5% on the battery	30.6¢ each + 3.7% on the case and strap, band or bracelet + 3.1% on the battery	27.2¢ each + 3.3% on the case and strap, band or bracelet + 2.8% on the battery	23.8¢ each + 2.9% on the case and strap, band or bracelet + 2.4% on the battery	20.4¢ each + 2.5% on the case and strap, band or bracelet + 2.1% on the battery	17¢ each + 2% on the case and strap, band or bracelet + 1.7% on the battery	13.6¢ each + 1.6% on the case and strap, band or bracelet + 1.4% on the battery	10.2¢ each + 1.2% on the case and strap, band or bracelet + 1% on the battery	6.8¢ each + 0.8% on the case and strap, band or bracelet + 0.7% on the battery	3.4¢ each + 0.4% on the case and strap, band or bracelet + 0.3% on the battery	Free
9101.11.80	81.2¢ each + 5.8% on the case and strap, band or bracelet + 4.9% on the battery	75.4¢ each + 5.4% on the case and strap, band or bracelet + 4.5% on the battery	69.6¢ each + 5% on the case and strap, band or bracelet + 4.2% on the battery	63.8¢ each + 4.5% on the case and strap, band or bracelet + 3.8% on the battery	58¢ each + 4.1% on the case and strap, band or bracelet + 3.5% on the battery	52.2¢ each + 3.7% on the case and strap, band or bracelet + 3.1% on the battery	46.4¢ each + 3.3% on the case and strap, band or bracelet + 2.8% on the battery	40.6¢ each + 2.9% on the case and strap, band or bracelet + 2.4% on the battery	34.8¢ each + 2.5% on the case and strap, band or bracelet + 2.1% on the battery	29¢ each + 2% on the case and strap, band or bracelet + 1.7% on the battery	23.2¢ each + 1.6% on the case and strap, band or bracelet + 1.4% on the battery	17.4¢ each + 1.2% on the case and strap, band or bracelet + 1% on the battery	11.6¢ each + 0.8% on the case and strap, band or bracelet + 0.7% on the battery	5.8¢ each + 0.4% on the case and strap, band or bracelet + 0.3% on the battery	Free
9101.19.40	40.8¢ each + 5% on the case and strap, band or bracelet + 4.2% on the battery	30.6¢ each + 3.7% on the case and strap, band or bracelet + 3.1% on the battery	20¢ each + 2.5% on the case and strap, band or bracelet + 2.1% on the battery	10.2¢ each + 1.2% on the case and strap, band or bracelet + 1% on the battery	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
9101.19.80	69.6¢ each + 5% on the case and strap, band or bracelet + 4.2% on the battery	52.2¢ each + 3.7% on the case and strap, band or bracelet + 3.1% on the battery	34.8¢ each + 2.5% on the case and strap, band or bracelet + 2.1% on the battery	17.4¢ each + 1.2% on the case and strap, band or bracelet + 1% on the battery	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
9102.11.10	41¢ each + 5.6% on the case + 13% on the strap, band or bracelet + 4.9% on the battery	38.1¢ each + 5.2% on the case + 12.1% on the strap, band or bracelet + 4.5% on the battery	35.2¢ each + 4.8% on the case + 11.2% on the strap, band or bracelet + 4.2% on the battery	32.2¢ each + 4.4% on the case + 10.2% on the strap, band or bracelet + 3.8% on the battery	29.3¢ each + 4% on the case + 9.3% on the strap, band or bracelet + 3.5% on the battery	26.4¢ each + 3.6% on the case + 8.4% on the strap, band or bracelet + 3.1% on the battery	23.4¢ each + 3.2% on the case + 7.4% on the strap, band or bracelet + 2.8% on the battery	20.5¢ each + 2.8% on the case + 6.5% on the strap, band or bracelet + 2.4% on the battery	17.6¢ each + 2.4% on the case + 5.6% on the strap, band or bracelet + 2.1% on the battery	14.6¢ each + 2% on the case + 4.6% on the strap, band or bracelet + 1.7% on the battery	11.7¢ each + 1.6% on the case + 3.7% on the strap, band or bracelet + 1.4% on the battery	8.8¢ each + 1.2% on the case + 2.8% on the strap, band or bracelet + 1% on the battery	5.8¢ each + 0.8% on the case + 1.8% on the strap, band or bracelet + 0.7% on the battery	2.9¢ each + 0.4% on the case + 0.9% on the strap, band or bracelet + 0.3% on the battery	Free
9102.11.25	37.3¢ each + 7.9% on the case + 13% on the strap, band or bracelet + 4.9% on the battery	34.6¢ each + 7.3% on the case + 12.1% on the strap, band or bracelet + 4.5% on the battery	32¢ each + 6.8% on the case + 11.2% on the strap, band or bracelet + 4.2% on the battery	29.3¢ each + 6.2% on the case + 10.2% on the strap, band or bracelet + 3.8% on the battery	26.6¢ each + 5.6% on the case + 9.3% on the strap, band or bracelet + 3.5% on the battery	24¢ each + 5.1% on the case + 8.4% on the strap, band or bracelet + 3.1% on the battery	21.3¢ each + 4.5% on the case + 7.4% on the strap, band or bracelet + 2.8% on the battery	18.6¢ each + 3.9% on the case + 6.5% on the strap, band or bracelet + 2.4% on the battery	16¢ each + 3.4% on the case + 5.6% on the strap, band or bracelet + 2.1% on the battery	13.3¢ each + 2.8% on the case + 4.6% on the strap, band or bracelet + 1.7% on the battery	10.6¢ each + 2.2% on the case + 3.7% on the strap, band or bracelet + 1.4% on the battery	8¢ each + 1.7% on the case + 2.8% on the strap, band or bracelet + 1% on the battery	5.3¢ each + 1.1% on the case + 1.8% on the strap, band or bracelet + 0.7% on the battery	2.6¢ each + 0.5% on the case + 0.9% on the strap, band or bracelet + 0.3% on the battery	Free

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Section (B). (con.)

Subheading	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
9102.11.30	41¢ each + 5.6% on the case + 2.6% on the strap, band or bracelet + 4.9% on the battery	38.1¢ each + 5.2% on the case + 2.4% on the strap, band or bracelet + 4.5% on the battery	35.2¢ each + 4.8% on the case + 2.2% on the strap, band or bracelet + 4.2% on the battery	32.2¢ each + 4.4% on the case + 2% on the strap, band or bracelet + 3.8% on the battery	29.3¢ each + 4% on the case + 1.8% on the strap, band or bracelet + 3.5% on the battery	26.4¢ each + 3.6% on the case + 1.6% on the strap, band or bracelet + 3.1% on the battery	23.4¢ each + 3.2% on the case + 1.4% on the strap, band or bracelet + 2.8% on the battery	20.5¢ each + 2.8% on the case + 1.3% on the strap, band or bracelet + 2.4% on the battery	17.6¢ each + 2.4% on the case + 1.1% on the strap, band or bracelet + 2.1% on the battery	14.6¢ each + 2% on the case + 0.9% on the strap, band or bracelet + 1.7% on the battery	11.7¢ each + 1.6% on the case + 0.7% on the strap, band or bracelet + 1.4% on the battery	8.8¢ each + 1.2% on the case + 0.5% on the strap, band or bracelet + 1% on the battery	5.8¢ each + 0.8% on the case + 0.3% on the strap, band or bracelet + 0.7% on the battery	2.9¢ each + 0.4% on the case + 0.1% on the strap, band or bracelet + 0.3% on the battery	Free
9102.11.45	37.3¢ each + 7.9% on the case + 2.6% on the strap, band or bracelet + 4.9% on the battery	34.6¢ each + 7.3% on the case + 2.4% on the strap, band or bracelet + 4.5% on the battery	32¢ each + 6.8% on the case + 2.2% on the strap, band or bracelet + 4.2% on the battery	29.3¢ each + 6.2% on the case + 2% on the strap, band or bracelet + 3.8% on the battery	26.6¢ each + 5.6% on the case + 1.8% on the strap, band or bracelet + 3.5% on the battery	24¢ each + 5.1% on the case + 1.6% on the strap, band or bracelet + 3.1% on the battery	21.3¢ each + 4.5% on the case + 1.4% on the strap, band or bracelet + 2.8% on the battery	18.6¢ each + 3.9% on the case + 1.3% on the strap, band or bracelet + 2.4% on the battery	16¢ each + 3.4% on the case + 1.1% on the strap, band or bracelet + 2.1% on the battery	13.3¢ each + 2.8% on the case + 0.9% on the strap, band or bracelet + 1.7% on the battery	10.6¢ each + 2.2% on the case + 0.7% on the strap, band or bracelet + 1.4% on the battery	8¢ each + 1.7% on the case + 0.5% on the strap, band or bracelet + 1% on the battery	5.3¢ each + 1.1% on the case + 0.3% on the strap, band or bracelet + 0.7% on the battery	2.6¢ each + 0.5% on the case + 0.1% on the strap, band or bracelet + 0.3% on the battery	Free
9102.11.50	74.6¢ each + 5.6% on the case + 13% on the strap, band or bracelet + 4.9% on the battery	69.3¢ each + 5.2% on the case + 12.1% on the strap, band or bracelet + 4.5% on the battery	64¢ each + 4.8% on the case + 11.2% on the strap, band or bracelet + 4.2% on the battery	58.6¢ each + 4.4% on the case + 10.2% on the strap, band or bracelet + 3.8% on the battery	53.3¢ each + 4% on the case + 9.3% on the strap, band or bracelet + 3.5% on the battery	48¢ each + 3.6% on the case + 8.4% on the strap, band or bracelet + 3.1% on the battery	42.6¢ each + 3.2% on the case + 7.4% on the strap, band or bracelet + 2.8% on the battery	37.3¢ each + 2.8% on the case + 6.5% on the strap, band or bracelet + 2.4% on the battery	32¢ each + 2.4% on the case + 5.6% on the strap, band or bracelet + 2.1% on the battery	26.6¢ each + 2% on the case + 4.6% on the strap, band or bracelet + 1.7% on the battery	21.3¢ each + 1.6% on the case + 3.7% on the strap, band or bracelet + 1.4% on the battery	16¢ each + 1.2% on the case + 2.8% on the strap, band or bracelet + 1% on the battery	10.6¢ each + 0.8% on the case + 1.8% on the strap, band or bracelet + 0.7% on the battery	5.3¢ each + 0.4% on the case + 0.9% on the strap, band or bracelet + 0.3% on the battery	Free
9102.11.65	70.9¢ each + 7.9% on the case + 13% on the strap, band or bracelet + 4.9% on the battery	65.8¢ each + 7.3% on the case + 12.1% on the strap, band or bracelet + 4.5% on the battery	60.8¢ each + 6.8% on the case + 11.2% on the strap, band or bracelet + 4.2% on the battery	55.7¢ each + 6.2% on the case + 10.2% on the strap, band or bracelet + 3.8% on the battery	50.6¢ each + 5.6% on the case + 9.3% on the strap, band or bracelet + 3.5% on the battery	45.6¢ each + 5.1% on the case + 8.4% on the strap, band or bracelet + 3.1% on the battery	40.5¢ each + 4.5% on the case + 7.4% on the strap, band or bracelet + 2.8% on the battery	35.4¢ each + 3.9% on the case + 6.5% on the strap, band or bracelet + 2.4% on the battery	30.4¢ each + 3.4% on the case + 5.6% on the strap, band or bracelet + 2.1% on the battery	25.3¢ each + 2.8% on the case + 4.6% on the strap, band or bracelet + 1.7% on the battery	20.2¢ each + 2.2% on the case + 3.7% on the strap, band or bracelet + 1.4% on the battery	15.2¢ each + 1.7% on the case + 2.8% on the strap, band or bracelet + 1% on the battery	10.1¢ each + 1.1% on the case + 1.8% on the strap, band or bracelet + 0.7% on the battery	5¢ each + 0.5% on the case + 0.9% on the strap, band or bracelet + 0.3% on the battery	Free
9102.11.70	74.6¢ each + 5.6% on the case + 2.6% on the strap, band or bracelet + 4.9% on the battery	69.3¢ each + 5.2% on the case + 2.4% on the strap, band or bracelet + 4.5% on the battery	64¢ each + 4.8% on the case + 2.2% on the strap, band or bracelet + 4.2% on the battery	58.6¢ each + 4.4% on the case + 2% on the strap, band or bracelet + 3.8% on the battery	53.3¢ each + 4% on the case + 1.8% on the strap, band or bracelet + 3.5% on the battery	48¢ each + 3.6% on the case + 1.6% on the strap, band or bracelet + 3.1% on the battery	42.6¢ each + 3.2% on the case + 1.4% on the strap, band or bracelet + 2.8% on the battery	37.3¢ each + 2.8% on the case + 1.3% on the strap, band or bracelet + 2.4% on the battery	32¢ each + 2.4% on the case + 1.1% on the strap, band or bracelet + 2.1% on the battery	26.6¢ each + 2% on the case + 0.9% on the strap, band or bracelet + 1.7% on the battery	21.3¢ each + 1.6% on the case + 0.7% on the strap, band or bracelet + 1.4% on the battery	16¢ each + 1.2% on the case + 0.5% on the strap, band or bracelet + 1% on the battery	10.6¢ each + 0.8% on the case + 0.3% on the strap, band or bracelet + 0.7% on the battery	5.3¢ each + 0.4% on the case + 0.1% on the strap, band or bracelet + 0.3% on the battery	Free
9102.11.95	70.9¢ each + 7.9% on the case + 2.6% on the strap, band or bracelet + 4.9% on the battery	65.8¢ each + 7.3% on the case + 2.4% on the strap, band or bracelet + 4.5% on the battery	60.8¢ each + 6.8% on the case + 2.2% on the strap, band or bracelet + 4.2% on the battery	55.7¢ each + 6.2% on the case + 2% on the strap, band or bracelet + 3.8% on the battery	50.6¢ each + 5.6% on the case + 1.8% on the strap, band or bracelet + 3.5% on the battery	45.6¢ each + 5.1% on the case + 1.6% on the strap, band or bracelet + 3.1% on the battery	40.5¢ each + 4.5% on the case + 1.4% on the strap, band or bracelet + 2.8% on the battery	35.4¢ each + 3.9% on the case + 1.3% on the strap, band or bracelet + 2.4% on the battery	30.4¢ each + 3.4% on the case + 1.1% on the strap, band or bracelet + 2.1% on the battery	25.3¢ each + 2.8% on the case + 0.9% on the strap, band or bracelet + 1.7% on the battery	20.2¢ each + 2.2% on the case + 0.7% on the strap, band or bracelet + 1.4% on the battery	15.2¢ each + 1.7% on the case + 0.5% on the strap, band or bracelet + 1% on the battery	10.1¢ each + 1.1% on the case + 0.3% on the strap, band or bracelet + 0.7% on the battery	5¢ each + 0.5% on the case + 0.1% on the strap, band or bracelet + 0.3% on the battery	Free

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Section (B). (con.)

Subheading	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
9102.19.20	32¢ each + 4.8% on the case + 11.2% on the strap, band or bracelet + 4.2% on the battery	24¢ each + 3.6% on the case + 8.4% on the strap, band or bracelet + 3.1% on the battery	16¢ each + 2.4% on the case + 5.6% on the strap, band or bracelet + 2.1% on the battery	8¢ each + 1.2% on the case + 2.8% on the strap, band or bracelet + 1% on the battery	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
9102.19.40	32¢ each + 4.8% on the case + 2.2% on the strap, band or bracelet + 4.2% on the battery	24¢ each + 3.6% on the case + 1.6% on the strap, band or bracelet + 3.1% on the battery	16¢ each + 2.4% on the case + 1.1% on the strap, band or bracelet + 2.1% on the battery	8¢ each + 1.2% on the case + 0.5% on the strap, band or bracelet + 1% on the battery	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
9102.19.60	60.8¢ each + 4.8% on the case + 11.2% on the strap, band or bracelet + 4.2% on the battery	45.6¢ each + 3.6% on the case + 8.4% on the strap, band or bracelet + 3.1% on the battery	30.4¢ each + 2.4% on the case + 5.6% on the strap, band or bracelet + 2.1% on the battery	15.2¢ each + 1.2% on the case + 2.8% on the strap, band or bracelet + 1% on the battery	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
9102.19.80	60.8¢ each + 4.8% on the case + 2.2% on the strap, band or bracelet + 4.2% on the battery	45.6¢ each + 3.6% on the case + 1.6% on the strap, band or bracelet + 3.1% on the battery	30.4¢ each + 2.4% on the case + 1.1% on the strap, band or bracelet + 2.1% on the battery	15.2¢ each + 1.2% on the case + 0.5% on the strap, band or bracelet + 1% on the battery	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
9102.91.40	37.3¢ each + 5.6% on the case + 4.9% on the battery	34.6¢ each + 5.2% on the case + 4.5% on the battery	32¢ each + 4.8% on the case + 4.2% on the battery	29.3¢ each + 4.4% on the case + 3.8% on the battery	26.6¢ each + 4% on the case + 3.5% on the battery	24¢ each + 3.6% on the case + 3.1% on the battery	21.3¢ each + 3.2% on the case + 2.8% on the battery	18.6¢ each + 2.8% on the case + 2.4% on the battery	16¢ each + 2.4% on the case + 2.1% on the battery	13.3¢ each + 2% on the case + 1.7% on the battery	10.6¢ each + 1.6% on the case + 1.4% on the battery	8¢ each + 1.2% on the case + 1% on the battery	5.3¢ each + 0.8% on the case + 0.7% on the battery	2.6¢ each + 0.4% on the case + 0.3% on the battery	Free
9102.91.80	70.9¢ each + 5.6% on the case + 4.9% on the battery	65.8¢ each + 5.2% on the case + 4.5% on the battery	60.8¢ each + 4.8% on the case + 4.2% on the battery	55.7¢ each + 4.4% on the case + 3.8% on the battery	50.6¢ each + 4% on the case + 3.5% on the battery	45.6¢ each + 3.6% on the case + 3.1% on the battery	40.5¢ each + 3.2% on the case + 2.8% on the battery	35.4¢ each + 2.8% on the case + 2.4% on the battery	30.4¢ each + 2.4% on the case + 2.1% on the battery	25.3¢ each + 2% on the case + 1.7% on the battery	20.2¢ each + 1.6% on the case + 1.4% on the battery	15.2¢ each + 1.2% on the case + 1% on the battery	10.1¢ each + 0.8% on the case + 0.7% on the battery	5¢ each + 0.4% on the case + 0.3% on the battery	Free
9108.11.40	33.6¢ each + 4.9% on the battery	31.2¢ each + 4.5% on the battery	28.8¢ each + 4.2% on the battery	26.4¢ each + 3.8% on the battery	24¢ each + 3.5% on the battery	21.6¢ each + 3.1% on the battery	19.2¢ each + 2.8% on the battery	16.8¢ each + 2.4% on the battery	14.4¢ each + 2.1% on the battery	12¢ each + 1.7% on the battery	9.6¢ each + 1.4% on the battery	7.2¢ each + 1% on the battery	4.8¢ each + 0.7% on the battery	2.4¢ each + 0.3% on the battery	Free
9108.11.80	67.2¢ each + 4.9% on the battery	62.4¢ each + 4.5% on the battery	57.6¢ each + 4.2% on the battery	52.8¢ each + 3.8% on the battery	48¢ each + 3.5% on the battery	43.2¢ each + 3.1% on the battery	38.4¢ each + 2.8% on the battery	33.6¢ each + 2.4% on the battery	28.8¢ each + 2.1% on the battery	24¢ each + 1.7% on the battery	19.2¢ each + 1.4% on the battery	14.4¢ each + 1% on the battery	9.6¢ each + 0.7% on the battery	4.8¢ each + 0.3% on the battery	Free

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Section (B). (con.)

Subheading	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
9108.19.40	28.8¢ each + 4.2% on the battery	21.6¢ each + 3.1% on the battery	14.4¢ each + 2.1% on the battery	7.2¢ each + 1% on the battery	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
9108.19.80	57.6¢ each + 4.2% on the battery	43.2¢ each + 3.1% on the battery	28.8¢ each + 2.1% on the battery	14.4¢ each + 1% on the battery	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
9113.20.40	11.2%	8.4%	5.6%	2.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
9114.30.40	0.4¢ each + 7.2%	0.3¢ each + 5.4%	0.2¢ each + 3.6%	0.1¢ each + 1.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
9401.20.00	2.4%	1.8%	1.2%	0.6%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
9404.29.10	5.4%	4.8%	4.2%	3.6%	3%	2.4%	1.8%	1.2%	0.6%	Free	Free	Free	Free	Free	Free
9404.90.10	5.6%	4.5%	3.3%	2.2%	1.1%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
9404.90.80	4.7%	3.8%	2.8%	1.9%	0.9%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
9404.90.90	12.3%	9.9%	7.4%	4.9%	2.4%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
9405.91.30	13%	12.1%	11.2%	10.2%	9.3%	8.4%	7.4%	6.5%	5.6%	4.6%	3.7%	2.8%	1.8%	0.9%	Free
9502.99.30	9.6%	7.2%	4.8%	2.4%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
9503.90.20	5.4%	4%	2.7%	1.3%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
9608.31.00	0.6¢ each + 4.3%	0.4¢ each + 3.2%	0.3¢ each + 2.1%	0.1¢ each + 1%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
9608.39.00	0.6¢ each + 4.3%	0.4¢ each + 3.2%	0.3¢ each + 2.1%	0.1¢ each + 1%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
9609.10.00	12.6¢/gross + 3.8%	11.2¢/gross + 3.4%	9.8¢/gross + 3%	8.4¢/gross + 2.5%	7¢/gross + 2.1%	5.6¢/gross + 1.7%	4.2¢/gross + 1.2%	2.8¢/gross + 0.8%	1.4¢/gross + 0.4%	Free	Free	Free	Free	Free	Free
9612.10.90	8.1%	6.5%	4.9%	3.2%	1.6%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
9612.20.00	6.3%	5.6%	4.9%	4.2%	3.5%	2.8%	2.1%	1.4%	0.7%	Free	Free	Free	Free	Free	Free
9616.20.00	6.8%	5.1%	3.4%	1.7%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
9816.00.20	9 percent of the fair retail value	8 percent of the fair retail value	7 percent of the fair retail value	6 percent of the fair retail value	5 percent of the fair retail value	4 percent of the fair retail value	3 percent of the fair retail value	2 percent of the fair retail value	1 percent of the fair retail value	Free	Free	Free	Free	Free	Free
9816.00.40	4.5 percent of the fair retail value	4 percent of the fair retail value	3.5 percent of the fair retail value	3 percent of the fair retail value	2.5 percent of the fair retail value	2 percent of the fair retail value	1.5 percent of the fair retail value	1 percent of the fair retail value	0.5 percent of the fair retail value	Free	Free	Free	Free	Free	Free
9901.00.50	12.8¢/liter	11.4¢/liter	9.9¢/liter	8.5¢/liter	7.1¢/liter	5.7¢/liter	4.2¢/liter	2.8¢/liter	1.4¢/liter	Free	Free	Free	Free	Free	Free
9901.00.52	5.3¢/liter	4.7¢/liter	4.1¢/liter	3.5¢/liter	2.9¢/liter	2.3¢/liter	1.7¢/liter	1.1¢/liter	0.5¢/liter	Free	Free	Free	Free	Free	Free
9906.04.02	55.5¢/liter	49.4¢/liter	43.2¢/liter	37¢/liter	30.9¢/liter	24.7¢/liter	18.5¢/liter	12.3¢/liter	6.2¢/liter	Free	Free	Free	Free	Free	Free
9906.04.03	84.5%	75.1%	65.7%	56.3%	47%	37.6%	28.2%	18.8%	9.4%	Free	Free	Free	Free	Free	Free
9906.04.05	$1.12/kg	99.5¢/kg	87.1¢/kg	74.6¢/kg	62.2¢/kg	49.8¢/kg	37.3¢/kg	24.9¢/kg	12.4¢/kg	Free	Free	Free	Free	Free	Free
9906.04.06	86.1%	76.6%	67%	57.4%	47.9%	38.3%	28.7%	19.1%	9.6%	Free	Free	Free	Free	Free	Free
9906.04.08	88.7¢/kg	78.8¢/kg	69¢/kg	59.1¢/kg	49.3¢/kg	39.4¢/kg	29.6¢/kg	19.7¢/kg	9.9¢/kg	Free	Free	Free	Free	Free	Free
9906.04.09	70.2%	62.4%	54.6%	46.8%	39%	31.2%	23.4%	15.6%	7.8%	Free	Free	Free	Free	Free	Free
9906.04.11	88.7¢/kg	78.8¢/kg	69¢/kg	59.1¢/kg	49.3¢/kg	39.4¢/kg	29.6¢/kg	19.7¢/kg	9.9¢/kg	Free	Free	Free	Free	Free	Free
9906.04.12	70.2%	62.4%	54.6%	46.8%	39%	31.2%	23.4%	15.6%	7.8%	Free	Free	Free	Free	Free	Free
9906.04.15	88.7¢/kg	78.8¢/kg	69¢/kg	59.1¢/kg	49.3¢/kg	39.4¢/kg	29.6¢/kg	19.7¢/kg	9.9¢/kg	Free	Free	Free	Free	Free	Free

Annex III (con.)
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Section (B). (con.)

Subheading	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
9906.04.16	70.2%	62.4%	54.6%	46.8%	39%	31.2%	23.4%	15.6%	7.8%	Free	Free	Free	Free	Free	Free
9906.04.18	95.2¢/kg	84.6¢/kg	74.1¢/kg	63.5¢/kg	52.9¢/kg	42.3¢/kg	31.7¢/kg	21.2¢/kg	10.6¢/kg	Free	Free	Free	Free	Free	Free
9906.04.19	74.8%	66.5%	58.2%	49.9%	41.6%	33.2%	24.9%	16.6%	8.3%	Free	Free	Free	Free	Free	Free
9906.04.21	$1.074/kg	95.4¢/kg	83.5¢/kg	71.6¢/kg	59.7¢/kg	47.7¢/kg	35.8¢/kg	23.9¢/kg	11.9¢/kg	Free	Free	Free	Free	Free	Free
9906.04.22	84.5%	75.1%	65.7%	56.3%	47%	37.6%	28.2%	18.8%	9.4%	Free	Free	Free	Free	Free	Free
9906.04.24	93.7¢/kg	83.3¢/kg	72.9¢/kg	62.5¢/kg	52.1¢/kg	41.6¢/kg	31.2¢/kg	20.8¢/kg	10.4¢/kg	Free	Free	Free	Free	Free	Free
9906.04.25	79.1%	70.3%	61.5%	52.7%	44%	35.2%	26.4%	17.6%	8.8%	Free	Free	Free	Free	Free	Free
9906.04.27	26.8¢/kg	23.8¢/kg	20.9¢/kg	17.9¢/kg	14.9¢/kg	11.9¢/kg	8.9¢/kg	6¢/kg	3¢/kg	Free	Free	Free	Free	Free	Free
9906.04.28	75.2%	66.8%	58.5%	50.1%	41.8%	33.4%	25.1%	16.7%	8.4%	Free	Free	Free	Free	Free	Free
9906.04.30	43.8¢/kg	39¢/kg	34.1¢/kg	29.2¢/kg	24.4¢/kg	19.5¢/kg	14.6¢/kg	9.7¢/kg	4.9¢/kg	Free	Free	Free	Free	Free	Free
9906.04.31	85.3%	75.8%	66.4%	56.9%	47.4%	37.9%	28.4%	19%	9.5%	Free	Free	Free	Free	Free	Free
9906.04.33	95.2¢/kg	84.6¢/kg	74.1¢/kg	63.5¢/kg	52.9¢/kg	42.3¢/kg	31.7¢/kg	21.2¢/kg	10.6¢/kg	Free	Free	Free	Free	Free	Free
9906.04.34	74.8%	66.5%	58.2%	49.9%	41.6%	33.2%	24.9%	16.6%	8.3%	Free	Free	Free	Free	Free	Free
9906.04.37	55.5¢/liter	49.4¢/liter	43.2¢/liter	37¢/liter	30.9¢/liter	24.7¢/liter	18.5¢/liter	12.3¢/liter	6.2¢/liter	Free	Free	Free	Free	Free	Free
9906.04.38	84.5%	75.1%	65.7%	56.3%	47%	37.6%	28.2%	18.8%	9.4%	Free	Free	Free	Free	Free	Free
9906.04.40	87.1¢/kg	77.4¢/kg	67.8¢/kg	58.1¢/kg	48.4¢/kg	38.7¢/kg	29¢/kg	19.4¢/kg	9.7¢/kg	Free	Free	Free	Free	Free	Free
9906.04.41	71.1%	63.2%	55.3%	47.4%	39.5%	31.6%	23.7%	15.8%	7.9%	Free	Free	Free	Free	Free	Free
9906.04.43	95.2¢/kg	84.6¢/kg	74.1¢/kg	63.5¢/kg	52.9¢/kg	42.3¢/kg	31.7¢/kg	21.2¢/kg	10.6¢/kg	Free	Free	Free	Free	Free	Free
9906.04.44	74.8%	66.5%	58.2%	49.9%	41.6%	33.2%	24.9%	16.6%	8.3%	Free	Free	Free	Free	Free	Free
9906.04.46	$1.074/kg	95.4¢/kg	83.5¢/kg	71.6¢/kg	59.7¢/kg	47.7¢/kg	35.8¢/kg	23.9¢/kg	11.9¢/kg	Free	Free	Free	Free	Free	Free
9906.04.47	84.5%	75.1%	65.7%	56.3%	47%	37.6%	28.2%	18.8%	9.4%	Free	Free	Free	Free	Free	Free
9906.04.49	$1.12/kg	99.5¢/kg	87.1¢/kg	74.6¢/kg	62.2¢/kg	49.8¢/kg	37.3¢/kg	24.9¢/kg	12.4¢/kg	Free	Free	Free	Free	Free	Free
9906.04.50	86.1%	76.6%	67%	57.4%	47.9%	38.3%	28.7%	19.1%	9.6%	Free	Free	Free	Free	Free	Free
9906.04.52	95.2¢/kg	84.6¢/kg	74.1¢/kg	63.5¢/kg	52.9¢/kg	42.3¢/kg	31.7¢/kg	21.2¢/kg	10.6¢/kg	Free	Free	Free	Free	Free	Free
9906.04.53	74.8%	66.5%	58.2%	49.9%	41.6%	33.2%	24.9%	16.6%	8.3%	Free	Free	Free	Free	Free	Free
9906.04.56	$1.004/kg	89.2¢/kg	78.1¢/kg	66.9¢/kg	55.8¢/kg	44.6¢/kg	33.5¢/kg	22.3¢/kg	11.2¢/kg	Free	Free	Free	Free	Free	Free
9906.04.57	78.3%	69.6%	60.9%	52.2%	43.5%	34.8%	26.1%	17.4%	8.7%	Free	Free	Free	Free	Free	Free
9906.04.58	14.4%	12.8%	11.2%	9.6%	8%	6.4%	4.8%	3.2%	1.6%	Free	Free	Free	Free	Free	Free
9906.04.61	87.1¢/kg	77.4¢/kg	67.8¢/kg	58.1¢/kg	48.4¢/kg	38.7¢/kg	29¢/kg	19.4¢/kg	9.7¢/kg	Free	Free	Free	Free	Free	Free
9906.04.62	71.1%	63.2%	55.3%	47.4%	39.5%	31.6%	23.7%	15.8%	7.9%	Free	Free	Free	Free	Free	Free
9906.04.64	87.1¢/kg	77.4¢/kg	67.8¢/kg	58.1¢/kg	48.4¢/kg	38.7¢/kg	29¢/kg	19.4¢/kg	9.7¢/kg	Free	Free	Free	Free	Free	Free
9906.04.65	71.1%	63.2%	55.3%	47.4%	39.5%	31.6%	23.7%	15.8%	7.9%	Free	Free	Free	Free	Free	Free
9906.04.68	$1.004/kg	89.2¢/kg	78.1¢/kg	66.9¢/kg	55.8¢/kg	44.6¢/kg	33.5¢/kg	22.3¢/kg	11.2¢/kg	Free	Free	Free	Free	Free	Free
9906.04.69	78.3%	69.6%	60.9%	52.2%	43.5%	34.8%	26.1%	17.4%	8.7%	Free	Free	Free	Free	Free	Free
9906.04.71	$1.004/kg	89.2¢/kg	78.1¢/kg	66.9¢/kg	55.8¢/kg	44.6¢/kg	33.5¢/kg	22.3¢/kg	11.2¢/kg	Free	Free	Free	Free	Free	Free
9906.04.72	78.3%	69.6%	60.9%	52.2%	43.5%	34.8%	26.1%	17.4%	8.7%	Free	Free	Free	Free	Free	Free
9906.04.73	14.4%	12.8%	11.2%	9.6%	8%	6.4%	4.8%	3.2%	1.6%	Free	Free	Free	Free	Free	Free
9906.04.76	$1.12/kg	99.5¢/kg	87.1¢/kg	74.6¢/kg	62.2¢/kg	49.8¢/kg	37.3¢/kg	24.9¢/kg	12.4¢/kg	Free	Free	Free	Free	Free	Free
9906.04.77	86.1%	76.6%	67%	57.4%	47.9%	38.3%	28.7%	19.1%	9.6%	Free	Free	Free	Free	Free	Free
9906.04.79	$1.355/kg	$1.204/kg	$1.054/kg	90.3¢/kg	75.3¢/kg	60.2¢/kg	45.2¢/kg	30.1¢/kg	15.1¢/kg	Free	Free	Free	Free	Free	Free
9906.04.80	86.1%	76.6%	67%	57.4%	47.9%	38.3%	28.7%	19.1%	9.6%	Free	Free	Free	Free	Free	Free
9906.04.84	$1.455/kg	$1.294/kg	$1.132/kg	97¢/kg	80.9¢/kg	64.7¢/kg	48.5¢/kg	32.3¢/kg	16.2¢/kg	Free	Free	Free	Free	Free	Free
9906.04.85	62.6%	55.6%	48.7%	41.7%	34.8%	27.8%	20.9%	13.9%	7%	Free	Free	Free	Free	Free	Free

Annex III (con.)

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Section (B). (con.)

Subheading	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
9906.04.87	$1.103/kg	98¢/kg	85.8¢/kg	73.5¢/kg	61.3¢/kg	49¢/kg	36.8¢/kg	24.5¢/kg	12.3¢/kg	Free	Free	Free	Free	Free	Free
9906.04.88	62.6%	55.6%	48.7%	41.7%	34.8%	27.8%	20.9%	13.9%	7%	Free	Free	Free	Free	Free	Free
9906.04.90	$1.796/kg	$1.597/kg	$1.397/kg	$1.198/kg	99.8¢/kg	79.8¢/kg	59.9¢/kg	39.9¢/kg	20¢/kg	Free	Free	Free	Free	Free	Free
9906.04.91	62.6%	55.6%	48.7%	41.7%	34.8%	27.8%	20.9%	13.9%	7%	Free	Free	Free	Free	Free	Free
9906.04.93	$1.235/kg	$1.098/kg	96¢/kg	82.3¢/kg	68.6¢/kg	54.9¢/kg	41.2¢/kg	27.4¢/kg	13.7¢/kg	Free	Free	Free	Free	Free	Free
9906.04.94	62.6%	55.6%	48.7%	41.7%	34.8%	27.8%	20.9%	13.9%	7%	Free	Free	Free	Free	Free	Free
9906.04.96	$1.962/kg	$1.744/kg	$1.526/kg	$1.308/kg	$1.09/kg	87.2¢/kg	65.4¢/kg	43.6¢/kg	21.8¢/kg	Free	Free	Free	Free	Free	Free
9906.04.97	62.6%	55.6%	48.7%	41.7%	34.8%	27.8%	20.9%	13.9%	7%	Free	Free	Free	Free	Free	Free
9906.04.99	$1.444/kg	$1.283/kg	$1.123/kg	96.2¢/kg	80.2¢/kg	64.2¢/kg	48.1¢/kg	32.1¢/kg	16¢/kg	Free	Free	Free	Free	Free	Free
9906.05.00	62.6%	55.6%	48.7%	41.7%	34.8%	27.8%	20.9%	13.9%	7%	Free	Free	Free	Free	Free	Free
9906.05.02	$1.279/kg	$1.137/kg	99.5¢/kg	85.3¢/kg	71.1¢/kg	56.8¢/kg	42.6¢/kg	28.4¢/kg	14.2¢/kg	Free	Free	Free	Free	Free	Free
9906.05.03	62.6%	55.6%	48.7%	41.7%	34.8%	27.8%	20.9%	13.9%	7%	Free	Free	Free	Free	Free	Free
9906.05.05	$1.08/kg	96¢/kg	84¢/kg	72¢/kg	60¢/kg	48¢/kg	36¢/kg	24¢/kg	12¢/kg	Free	Free	Free	Free	Free	Free
9906.05.06	62.6%	55.6%	48.7%	41.7%	34.8%	27.8%	20.9%	13.9%	7%	Free	Free	Free	Free	Free	Free
9906.05.08	$1.444/kg	$1.283/kg	$1.123/kg	96.2¢/kg	80.2¢/kg	64.2¢/kg	48.1¢/kg	32.1¢/kg	16¢/kg	Free	Free	Free	Free	Free	Free
9906.05.09	62.6%	55.6%	48.7%	41.7%	34.8%	27.8%	20.9%	13.9%	7%	Free	Free	Free	Free	Free	Free
9906.05.12	$1.455/kg	$1.294/kg	$1.132/kg	97¢/kg	80.9¢/kg	64.7¢/kg	48.5¢/kg	32.3¢/kg	16.2¢/kg	Free	Free	Free	Free	Free	Free
9906.05.13	62.6%	55.6%	48.7%	41.7%	34.8%	27.8%	20.9%	13.9%	7%	Free	Free	Free	Free	Free	Free
9906.05.15	$1.103/kg	98¢/kg	85.8¢/kg	73.5¢/kg	61.3¢/kg	49¢/kg	36.8¢/kg	24.5¢/kg	12.3¢/kg	Free	Free	Free	Free	Free	Free
9906.05.16	62.6%	55.6%	48.7%	41.7%	34.8%	27.8%	20.9%	13.9%	7%	Free	Free	Free	Free	Free	Free
9906.05.18	$1.235/kg	$1.098/kg	96¢/kg	82.3¢/kg	68.6¢/kg	54.9¢/kg	41.2¢/kg	27.4¢/kg	13.7¢/kg	Free	Free	Free	Free	Free	Free
9906.05.19	62.6%	55.6%	48.7%	41.7%	34.8%	27.8%	20.9%	13.9%	7%	Free	Free	Free	Free	Free	Free
9906.05.21	$1.796/kg	$1.597/kg	$1.397/kg	$1.198/kg	99.8¢/kg	79.8¢/kg	59.9¢/kg	39.9¢/kg	20¢/kg	Free	Free	Free	Free	Free	Free
9906.05.22	62.6%	55.6%	48.7%	41.7%	34.8%	27.8%	20.9%	13.9%	7%	Free	Free	Free	Free	Free	Free
9906.05.24	$1.444/kg	$1.283/kg	$1.123/kg	96.2¢/kg	80.2¢/kg	64.2¢/kg	48.1¢/kg	32.1¢/kg	16¢/kg	Free	Free	Free	Free	Free	Free
9906.05.25	62.6%	55.6%	48.7%	41.7%	34.8%	27.8%	20.9%	13.9%	7%	Free	Free	Free	Free	Free	Free
9906.05.26	12%	9%	6%	3%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
9906.05.27	8%	6%	4%	2%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
9906.05.29	$1.455/kg	$1.294/kg	$1.132/kg	97¢/kg	80.9¢/kg	64.7¢/kg	48.5¢/kg	32.3¢/kg	16.2¢/kg	Free	Free	Free	Free	Free	Free
9906.05.30	62.6%	55.6%	48.7%	41.7%	34.8%	27.8%	20.9%	13.9%	7%	Free	Free	Free	Free	Free	Free
9906.05.32	$1.103/kg	98¢/kg	85.8¢/kg	73.5¢/kg	61.3¢/kg	49¢/kg	36.8¢/kg	24.5¢/kg	12.3¢/kg	Free	Free	Free	Free	Free	Free
9906.05.33	62.6%	55.6%	48.7%	41.7%	34.8%	27.8%	20.9%	13.9%	7%	Free	Free	Free	Free	Free	Free
9906.05.35	$1.235/kg	$1.098/kg	96¢/kg	82.3¢/kg	68.6¢/kg	54.9¢/kg	41.2¢/kg	27.4¢/kg	13.7¢/kg	Free	Free	Free	Free	Free	Free
9906.05.36	62.6%	55.6%	48.7%	41.7%	34.8%	27.8%	20.9%	13.9%	7%	Free	Free	Free	Free	Free	Free
9906.05.38	$1.444/kg	$1.283/kg	$1.123/kg	96.2¢/kg	80.2¢/kg	64.2¢/kg	48.1¢/kg	32.1¢/kg	16¢/kg	Free	Free	Free	Free	Free	Free
9906.05.39	62.6%	55.6%	48.7%	41.7%	34.8%	27.8%	20.9%	13.9%	7%	Free	Free	Free	Free	Free	Free
9906.05.41	$1.279/kg	$1.137/kg	99.5¢/kg	85.3¢/kg	71.1¢/kg	56.8¢/kg	42.6¢/kg	28.4¢/kg	14.2¢/kg	Free	Free	Free	Free	Free	Free
9906.05.42	62.6%	55.6%	48.7%	41.7%	34.8%	27.8%	20.9%	13.9%	7%	Free	Free	Free	Free	Free	Free
9906.05.44	$1.08/kg	96¢/kg	84¢/kg	72¢/kg	60¢/kg	48¢/kg	36¢/kg	24¢/kg	12¢/kg	Free	Free	Free	Free	Free	Free
9906.05.45	62.6%	55.6%	48.7%	41.7%	34.8%	27.8%	20.9%	13.9%	7%	Free	Free	Free	Free	Free	Free
9906.05.47	$1.444/kg	$1.283/kg	$1.123/kg	96.2¢/kg	80.2¢/kg	64.2¢/kg	48.1¢/kg	32.1¢/kg	16¢/kg	Free	Free	Free	Free	Free	Free
9906.05.48	62.6%	55.6%	48.7%	41.7%	34.8%	27.8%	20.9%	13.9%	7%	Free	Free	Free	Free	Free	Free
9906.05.49	8%	6%	4%	2%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free

Annex III (con.)
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Section (B). (con.)

Subheading	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
9906.05.51	$1.455/kg	$1.294/kg	$1.132/kg	97¢/kg	80.9¢/kg	64.7¢/kg	48.5¢/kg	32.3¢/kg	16.2¢/kg	Free	Free	Free	Free	Free	Free
9906.05.52	62.6%	55.6%	48.7%	41.7%	34.8%	27.8%	20.9%	13.9%	7%	Free	Free	Free	Free	Free	Free
9906.05.54	$1.103/kg	98¢/kg	85.8¢/kg	73.5¢/kg	61.3¢/kg	49¢/kg	36.8¢/kg	24.5¢/kg	12.3¢/kg	Free	Free	Free	Free	Free	Free
9906.05.55	62.6%	55.6%	48.7%	41.7%	34.8%	27.8%	20.9%	13.9%	7%	Free	Free	Free	Free	Free	Free
9906.05.57	$1.235/kg	$1.098/kg	96¢/kg	82.3¢/kg	68.6¢/kg	54.9¢/kg	41.2¢/kg	27.4¢/kg	13.7¢/kg	Free	Free	Free	Free	Free	Free
9906.05.58	62.6%	55.6%	48.7%	41.7%	34.8%	27.8%	20.9%	13.9%	7%	Free	Free	Free	Free	Free	Free
9906.05.60	$1.279/kg	$1.137/kg	99.5¢/kg	85.3¢/kg	71.1¢/kg	56.8¢/kg	42.6¢/kg	28.4¢/kg	14.2¢/kg	Free	Free	Free	Free	Free	Free
9906.05.61	62.6%	55.6%	48.7%	41.7%	34.8%	27.8%	20.9%	13.9%	7%	Free	Free	Free	Free	Free	Free
9906.05.62	8%	6%	4%	2%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
9906.05.64	$1.455/kg	$1.294/kg	$1.132/kg	97¢/kg	80.9¢/kg	64.7¢/kg	48.5¢/kg	32.3¢/kg	16.2¢/kg	Free	Free	Free	Free	Free	Free
9906.05.65	62.6%	55.6%	48.7%	41.7%	34.8%	27.8%	20.9%	13.9%	7%	Free	Free	Free	Free	Free	Free
9906.05.67	$1.103/kg	98¢/kg	85.8¢/kg	73.5¢/kg	61.3¢/kg	49¢/kg	36.8¢/kg	24.5¢/kg	12.3¢/kg	Free	Free	Free	Free	Free	Free
9906.05.68	62.6%	55.6%	48.7%	41.7%	34.8%	27.8%	20.9%	13.9%	7%	Free	Free	Free	Free	Free	Free
9906.05.70	$1.235/kg	$1.098/kg	96¢/kg	82.3¢/kg	68.6¢/kg	54.9¢/kg	41.2¢/kg	27.4¢/kg	13.7¢/kg	Free	Free	Free	Free	Free	Free
9906.05.71	62.6%	55.6%	48.7%	41.7%	34.8%	27.8%	20.9%	13.9%	7%	Free	Free	Free	Free	Free	Free
9906.05.73	$1.444/kg	$1.283/kg	$1.123/kg	96.2¢/kg	80.2¢/kg	64.2¢/kg	48.1¢/kg	32.1¢/kg	16¢/kg	Free	Free	Free	Free	Free	Free
9906.05.74	62.6%	55.6%	48.7%	41.7%	34.8%	27.8%	20.9%	13.9%	7%	Free	Free	Free	Free	Free	Free
9906.05.75	8%	6%	4%	2%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
9906.05.77	$1.279/kg	$1.137/kg	99.5¢/kg	85.3¢/kg	71.1¢/kg	56.8¢/kg	42.6¢/kg	28.4¢/kg	14.2¢/kg	Free	Free	Free	Free	Free	Free
9906.05.78	62.6%	55.6%	48.7%	41.7%	34.8%	27.8%	20.9%	13.9%	7%	Free	Free	Free	Free	Free	Free
9906.05.80	$1.08/kg	96¢/kg	84¢/kg	72¢/kg	60¢/kg	48¢/kg	36¢/kg	24¢/kg	12¢/kg	Free	Free	Free	Free	Free	Free
9906.05.81	62.6%	55.6%	48.7%	41.7%	34.8%	27.8%	20.9%	13.9%	7%	Free	Free	Free	Free	Free	Free
9906.05.83	$1.444/kg	$1.283/kg	$1.123/kg	96.2¢/kg	80.2¢/kg	64.2¢/kg	48.1¢/kg	32.1¢/kg	16¢/kg	Free	Free	Free	Free	Free	Free
9906.05.84	62.6%	55.6%	48.7%	41.7%	34.8%	27.8%	20.9%	13.9%	7%	Free	Free	Free	Free	Free	Free
9906.05.85	8%	6%	4%	2%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
9906.05.87	$1.455/kg	$1.294/kg	$1.132/kg	97¢/kg	80.9¢/kg	64.7¢/kg	48.5¢/kg	32.3¢/kg	16.2¢/kg	Free	Free	Free	Free	Free	Free
9906.05.88	62.6%	55.6%	48.7%	41.7%	34.8%	27.8%	20.9%	13.9%	7%	Free	Free	Free	Free	Free	Free
9906.05.90	$1.103/kg	98¢/kg	85.8¢/kg	73.5¢/kg	61.3¢/kg	49¢/kg	36.8¢/kg	24.5¢/kg	12.3¢/kg	Free	Free	Free	Free	Free	Free
9906.05.91	62.6%	55.6%	48.7%	41.7%	34.8%	27.8%	20.9%	13.9%	7%	Free	Free	Free	Free	Free	Free
9906.05.93	$1.796/kg	$1.597/kg	$1.397/kg	$1.198/kg	99.8¢/kg	79.8¢/kg	59.9¢/kg	39.9¢/kg	20¢/kg	Free	Free	Free	Free	Free	Free
9906.05.94	62.6%	55.6%	48.7%	41.7%	34.8%	27.8%	20.9%	13.9%	7%	Free	Free	Free	Free	Free	Free
9906.05.96	$1.444/kg	$1.283/kg	$1.123/kg	96.2¢/kg	80.2¢/kg	64.2¢/kg	48.1¢/kg	32.1¢/kg	16¢/kg	Free	Free	Free	Free	Free	Free
9906.05.97	62.6%	55.6%	48.7%	41.7%	34.8%	27.8%	20.9%	13.9%	7%	Free	Free	Free	Free	Free	Free
9906.05.98	22.5%	20%	17.5%	15%	12.5%	10%	7.5%	5%	2.5%	Free	Free	Free	Free	Free	Free
9906.06.00	$1.962/kg	$1.744/kg	$1.526/kg	$1.308/kg	$1.09/kg	87.2¢/kg	65.4¢/kg	43.6¢/kg	21.8¢/kg	Free	Free	Free	Free	Free	Free
9906.06.01	62.6%	55.6%	48.7%	41.7%	34.8%	27.8%	20.9%	13.9%	7%	Free	Free	Free	Free	Free	Free
9906.06.03	$1.444/kg	$1.283/kg	$1.123/kg	96.2¢/kg	80.2¢/kg	64.2¢/kg	48.1¢/kg	32.1¢/kg	16¢/kg	Free	Free	Free	Free	Free	Free
9906.06.04	62.6%	55.6%	48.7%	41.7%	34.8%	27.8%	20.9%	13.9%	7%	Free	Free	Free	Free	Free	Free
9906.06.06	$1.962/kg	$1.744/kg	$1.526/kg	$1.308/kg	$1.09/kg	87.2¢/kg	65.4¢/kg	43.6¢/kg	21.8¢/kg	Free	Free	Free	Free	Free	Free
9906.06.07	62.6%	55.6%	48.7%	41.7%	34.8%	27.8%	20.9%	13.9%	7%	Free	Free	Free	Free	Free	Free
9906.06.09	$1.444/kg	$1.283/kg	$1.123/kg	96.2¢/kg	80.2¢/kg	64.2¢/kg	48.1¢/kg	32.1¢/kg	16¢/kg	Free	Free	Free	Free	Free	Free
9906.06.10	62.6%	55.6%	48.7%	41.7%	34.8%	27.8%	20.9%	13.9%	7%	Free	Free	Free	Free	Free	Free
9906.06.11	12%	9%	6%	3%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free

Annex III (con.)
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Section (B). (con.)

Subheading	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
9906.06.13	$1.742/kg	$1.548/kg	$1.355/kg	$1.161/kg	96.8¢/kg	77.4¢/kg	58.1¢/kg	38.7¢/kg	19.4¢/kg	Free	Free	Free	Free	Free	Free
9906.06.14	62.6%	55.6%	48.7%	41.7%	34.8%	27.8%	20.9%	13.9%	7%	Free	Free	Free	Free	Free	Free
9906.06.15	5.7%	5.1%	4.4%	3.8%	3.2%	2.5%	1.9%	1.2%	0.6%	Free	Free	Free	Free	Free	Free
9906.06.17	$1.103/kg	98¢/kg	85.8¢/kg	73.5¢/kg	61.3¢/kg	49¢/kg	36.8¢/kg	24.5¢/kg	12.3¢/kg	Free	Free	Free	Free	Free	Free
9906.06.18	62.6%	55.6%	48.7%	41.7%	34.8%	27.8%	20.9%	13.9%	7%	Free	Free	Free	Free	Free	Free
9906.06.20	$1.444/kg	$1.283/kg	$1.123/kg	96.2¢/kg	80.2¢/kg	64.2¢/kg	48.1¢/kg	32.1¢/kg	16¢/kg	Free	Free	Free	Free	Free	Free
9906.06.21	62.6%	55.6%	48.7%	41.7%	34.8%	27.8%	20.9%	13.9%	7%	Free	Free	Free	Free	Free	Free
9906.06.23	$1.455/kg	$1.294/kg	$1.132/kg	97¢/kg	80.9¢/kg	64.7¢/kg	48.5¢/kg	32.3¢/kg	16.2¢/kg	Free	Free	Free	Free	Free	Free
9906.06.24	62.6%	55.6%	48.7%	41.7%	34.8%	27.8%	20.9%	13.9%	7%	Free	Free	Free	Free	Free	Free
9906.06.26	$1.103/kg	98¢/kg	85.8¢/kg	73.5¢/kg	61.3¢/kg	49¢/kg	36.8¢/kg	24.5¢/kg	12.3¢/kg	Free	Free	Free	Free	Free	Free
9906.06.27	62.6%	55.6%	48.7%	41.7%	34.8%	27.8%	20.9%	13.9%	7%	Free	Free	Free	Free	Free	Free
9906.06.29	$1.235/kg	$1.098/kg	96¢/kg	82.3¢/kg	68.6¢/kg	54.9¢/kg	41.2¢/kg	27.4¢/kg	13.7¢/kg	Free	Free	Free	Free	Free	Free
9906.06.30	62.6%	55.6%	48.7%	41.7%	34.8%	27.8%	20.9%	13.9%	7%	Free	Free	Free	Free	Free	Free
9906.06.32	$1.279/kg	$1.137/kg	99.5¢/kg	85.3¢/kg	71.1¢/kg	56.8¢/kg	42.6¢/kg	28.4¢/kg	14.2¢/kg	Free	Free	Free	Free	Free	Free
9906.06.33	62.6%	55.6%	48.7%	41.7%	34.8%	27.8%	20.9%	13.9%	7%	Free	Free	Free	Free	Free	Free
9906.06.35	$1.08/kg	96¢/kg	84¢/kg	72¢/kg	60¢/kg	48¢/kg	36¢/kg	24¢/kg	12¢/kg	Free	Free	Free	Free	Free	Free
9906.06.36	62.6%	55.6%	48.7%	41.7%	34.8%	27.8%	20.9%	13.9%	7%	Free	Free	Free	Free	Free	Free
9906.06.38	$1.444/kg	$1.283/kg	$1.123/kg	96.2¢/kg	80.2¢/kg	64.2¢/kg	48.1¢/kg	32.1¢/kg	16¢/kg	Free	Free	Free	Free	Free	Free
9906.06.39	62.6%	55.6%	48.7%	41.7%	34.8%	27.8%	20.9%	13.9%	7%	Free	Free	Free	Free	Free	Free
9906.06.40	8%	6%	4%	2%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
9906.07.02	2.6¢/kg	1.9¢/kg	1.3¢/kg	0.6¢/kg	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
9906.07.03	4.1¢/kg	3.6¢/kg	3.2¢/kg	2.7¢/kg	2.3¢/kg	1.8¢/kg	1.3¢/kg	0.9¢/kg	0.4¢/kg	Free	Free	Free	Free	Free	Free
9906.07.05	3.6¢/kg	2.7¢/kg	1.8¢/kg	0.9¢/kg	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
9906.07.06	2.6¢/kg	1.9¢/kg	1.3¢/kg	0.6¢/kg	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
9906.07.08	2.9¢/kg	2.6¢/kg	2.3¢/kg	1.9¢/kg	1.6¢/kg	1.3¢/kg	0.9¢/kg	0.6¢/kg	0.3¢/kg	Free	Free	Free	Free	Free	Free
9906.07.11	3.5¢/kg	3.1¢/kg	2.7¢/kg	2.3¢/kg	1.9¢/kg	1.5¢/kg	1.1¢/kg	0.7¢/kg	0.3¢/kg	Free	Free	Free	Free	Free	Free
9906.07.13	3.5¢/kg	3.1¢/kg	2.7¢/kg	2.3¢/kg	1.9¢/kg	1.5¢/kg	1.1¢/kg	0.7¢/kg	0.3¢/kg	Free	Free	Free	Free	Free	Free
9906.07.14	11.2%	10%	8.7%	7.5%	6.2%	5%	3.7%	2.5%	1.2%	Free	Free	Free	Free	Free	Free
9906.07.15	10%	7.5%	5%	2.5%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
9906.07.17	11.2%	10%	8.7%	7.5%	6.2%	5%	3.7%	2.5%	1.2%	Free	Free	Free	Free	Free	Free
9906.07.18	10%	7.5%	5%	2.5%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
9906.07.19	23.3%	21.6%	20%	18.3%	16.6%	15%	13.3%	11.6%	10%	8.3%	6.6%	5%	3.3%	1.6%	Free
9906.07.20	20%	15%	10%	5%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
9906.07.21	20%	15%	10%	5%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
9906.07.23	3.5¢/kg	2.6¢/kg	1.7¢/kg	0.8¢/kg	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
9906.07.24	3.9¢/kg	3.5¢/kg	3¢/kg	2.6¢/kg	2.2¢/kg	1.7¢/kg	1.3¢/kg	0.8¢/kg	0.4¢/kg	Free	Free	Free	Free	Free	Free
9906.07.25	3.5¢/kg	2.6¢/kg	1.7¢/kg	0.8¢/kg	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
9906.07.26	3.9¢/kg	3.5¢/kg	3¢/kg	2.6¢/kg	2.2¢/kg	1.7¢/kg	1.3¢/kg	0.8¢/kg	0.4¢/kg	Free	Free	Free	Free	Free	Free
9906.07.27	6.1¢/kg	5.7¢/kg	5.2¢/kg	4.8¢/kg	4.4¢/kg	3.9¢/kg	3.5¢/kg	3¢/kg	2.6¢/kg	2.2¢/kg	1.7¢/kg	1.3¢/kg	0.8¢/kg	0.4¢/kg	Free
9906.07.28	5.2¢/kg	3.9¢/kg	2.6¢/kg	1.3¢/kg	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
9906.07.29	6.9¢/kg	6.1¢/kg	5.3¢/kg	4.6¢/kg	3.8¢/kg	3¢/kg	2.3¢/kg	1.5¢/kg	0.7¢/kg	Free	Free	Free	Free	Free	Free
9906.07.30	6.1¢/kg	4.6¢/kg	3¢/kg	1.5¢/kg	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
9906.07.32	16.3%	15.1%	14%	12.8%	11.6%	10.5%	9.3%	8.1%	7%	5.8%	4.6%	3.5%	2.3%	1.1%	Free

Annex III (con.)
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Section (B). (con.)

Subheading	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
9906.07.33	23.3%	21.6%	20%	18.3%	16.6%	15%	13.3%	11.6%	10%	8.3%	6.6%	5%	3.3%	1.6%	Free
9906.07.34	20%	15%	10%	5%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
9906.07.35	2.9¢/kg	2.6¢/kg	2.3¢/kg	1.9¢/kg	1.6¢/kg	1.3¢/kg	0.9¢/kg	0.6¢/kg	0.3¢/kg	Free	Free	Free	Free	Free	Free
9906.07.38	2.9¢/kg	2.6¢/kg	2.3¢/kg	1.9¢/kg	1.6¢/kg	1.3¢/kg	0.9¢/kg	0.6¢/kg	0.3¢/kg	Free	Free	Free	Free	Free	Free
9906.07.39	1.9¢/kg	1.7¢/kg	1.5¢/kg	1.3¢/kg	1.1¢/kg	0.8¢/kg	0.6¢/kg	0.4¢/kg	0.2¢/kg	Free	Free	Free	Free	Free	Free
9906.07.40	1.7¢/kg	1.3¢/kg	0.8¢/kg	0.4¢/kg	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
9906.07.42	4.9¢/kg	4.4¢/kg	3.8¢/kg	3.3¢/kg	2.7¢/kg	2.2¢/kg	1.6¢/kg	1.1¢/kg	0.5¢/kg	Free	Free	Free	Free	Free	Free
9906.07.44	4.4¢/kg	3.3¢/kg	2.2¢/kg	1.1¢/kg	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
9906.07.45	4.9¢/kg	4.4¢/kg	3.8¢/kg	3.3¢/kg	2.7¢/kg	2.2¢/kg	1.6¢/kg	1.1¢/kg	0.5¢/kg	Free	Free	Free	Free	Free	Free
9906.07.46	1.9¢/kg	1.4¢/kg	0.9¢/kg	0.4¢/kg	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
9906.07.47	2.1¢/kg	1.9¢/kg	1.6¢/kg	1.4¢/kg	1.2¢/kg	0.9¢/kg	0.7¢/kg	0.4¢/kg	0.2¢/kg	Free	Free	Free	Free	Free	Free
9906.07.49	20%	15%	10%	5%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
9906.07.51	20%	15%	10%	5%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
9906.07.53	16.2%	14.4%	12.6%	10.8%	9%	7.2%	5.4%	3.6%	1.8%	Free	Free	Free	Free	Free	Free
9906.07.54	13.5%	12%	10.5%	9%	7.5%	6%	4.5%	3%	1.5%	Free	Free	Free	Free	Free	Free
9906.07.55	14%	10.5%	7%	3.5%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
9906.07.57	5.9¢/kg on the drained weight	4.4¢/kg on the drained weight	2.9¢/kg on the drained weight	1.4¢/kg on the drained weight	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
9906.08.01	7.4¢/kg	6.6¢/kg	5.7¢/kg	4.9¢/kg	4.1¢/kg	3.3¢/kg	2.4¢/kg	1.6¢/kg	0.8¢/kg	Free	Free	Free	Free	Free	Free
9906.08.02	6.6¢/kg	4.9¢/kg	3.3¢/kg	1.6¢/kg	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
9906.08.04	1.7¢/kg	1.3¢/kg	0.8¢/kg	0.4¢/kg	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
9906.08.05	1.7¢/kg	1.3¢/kg	0.8¢/kg	0.4¢/kg	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
9906.08.06	1.9¢/kg	1.7¢/kg	1.5¢/kg	1.3¢/kg	1.1¢/kg	0.8¢/kg	0.6¢/kg	0.4¢/kg	0.2¢/kg	Free	Free	Free	Free	Free	Free
9906.08.08	32.6%	30.3%	28%	25.6%	23.3%	21%	18.6%	16.3%	14%	11.6%	9.3%	7%	4.6%	2.3%	Free
9906.08.10	18%	16%	14%	12%	10%	8%	6%	4%	2%	Free	Free	Free	Free	Free	Free
9906.08.12	6.8%	5.1%	3.4%	1.7%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
9906.08.13	7.6%	6.8%	5.9%	5.1%	4.2%	3.4%	2.5%	1.7%	0.8%	Free	Free	Free	Free	Free	Free
9906.12.02	51.7¢/kg	50.4¢/kg	49¢/kg	47.7¢/kg	46.4¢/kg	45.1¢/kg	40¢/kg	35¢/kg	30¢/kg	25¢/kg	20¢/kg	15¢/kg	10¢/kg	5¢/kg	Free
9906.12.03	181.4%	176.8%	172.1%	167.5%	162.8%	158.2%	140.6%	123%	105.5%	87.9%	70.3%	52.7%	35.2%	17.6%	Free
9906.12.05	78.3¢/kg	76.3¢/kg	74.3¢/kg	72.3¢/kg	70.3¢/kg	68.3¢/kg	60.7¢/kg	53.1¢/kg	45.5¢/kg	37.9¢/kg	30.3¢/kg	22.8¢/kg	15.2¢/kg	7.6¢/kg	Free
9906.12.06	120%	116.9%	113.9%	110.8%	107.7%	104.6%	93%	81.4%	69.8%	58.1%	46.5%	34.9%	23.3%	11.6%	Free
9906.15.02	18.5¢/kg	16.5¢/kg	14.4¢/kg	12.4¢/kg	10.3¢/kg	8.2¢/kg	6.2¢/kg	4.1¢/kg	2.1¢/kg	Free	Free	Free	Free	Free	Free
9906.15.03	84.3%	75%	65.6%	56.2%	46.9%	37.5%	28.1%	18.7%	9.4%	Free	Free	Free	Free	Free	Free
9906.15.04	9.9¢/kg	8.8¢/kg	7.7¢/kg	6.6¢/kg	5.5¢/kg	4.4¢/kg	3.3¢/kg	2.2¢/kg	1.1¢/kg	Free	Free	Free	Free	Free	Free

Annex III (con.)
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Section (B). (con.)

Subheading	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
9906.17.02	36.451¢/kg less 0.516¢/kg for each degree under 100 degrees (and fractions of a degree in proportion) but not less than 23.557¢/kg	35.517¢/kg less 0.503¢/kg for each degree under 100 degrees (and fractions of a degree in proportion) but not less than 22.953¢/kg	34.582¢/kg less 0.489¢/kg for each degree under 100 degrees (and fractions of a degree in proportion) but not less than 22.349¢/kg	33.647¢/kg less 0.476¢/kg for each degree under 100 degrees (and fractions of a degree in proportion) but not less than 21.745¢/kg	32.713¢/kg less 0.463¢/kg for each degree under 100 degrees (and fractions of a degree in proportion) but not less than 21.141¢/kg	31.778¢/kg less 0.45¢/kg for each degree under 100 degrees (and fractions of a degree in proportion) but not less than 20.537¢/kg	28.247¢/kg less 0.4¢/kg for each degree under 100 degrees (and fractions of a degree in proportion) but not less than 18.256¢/kg	24.716¢/kg less 0.35¢/kg for each degree under 100 degrees (and fractions of a degree in proportion) but not less than 15.973¢/kg	21.185¢/kg less 0.3¢/kg for each degree under 100 degrees (and fractions of a degree in proportion) but not less than 13.692¢/kg	17.655¢/kg less 0.25¢/kg for each degree under 100 degrees (and fractions of a degree in proportion) but not less than 10.354¢/kg	14.124¢/kg less 0.2¢/kg for each degree under 100 degrees (and fractions of a degree in proportion) but not less than 9.128¢/kg	10.593¢/kg less 0.15¢/kg for each degree under 100 degrees (and fractions of a degree in proportion) but not less than 6.845¢/kg	7.062¢/kg less 0.1¢/kg for each degree under 100 degrees (and fractions of a degree in proportion) but not less than 4.564¢/kg	3.531¢/kg less 0.05¢/kg for each degree under 100 degrees (and fractions of a degree in proportion but not less than 2.281¢/kg	Free
9906.17.04	34.1¢/kg	30.3¢/kg	26.5¢/kg	22.7¢/kg	19¢/kg	15.2¢/kg	11.4¢/kg	7.6¢/kg	3.8¢/kg	Free	Free	Free	Free	Free	Free
9906.17.05	108.3%	96.2%	84.2%	72.2%	60.2%	48.1%	36.1%	24.1%	12%	Free	Free	Free	Free	Free	Free
9906.17.08	17.1¢/kg	15.2¢/kg	13.3¢/kg	11.4¢/kg	9.5¢/kg	7.6¢/kg	5.7¢/kg	3.8¢/kg	1.9¢/kg	Free	Free	Free	Free	Free	Free
9906.17.09	108.3%	96.2%	84.2%	72.2%	60.2%	48.1%	36.1%	24.1%	12%	Free	Free	Free	Free	Free	Free
9906.17.13	34.1¢/kg	30.3¢/kg	26.5¢/kg	22.7¢/kg	19¢/kg	15.2¢/kg	11.4¢/kg	7.6¢/kg	3.8¢/kg	Free	Free	Free	Free	Free	Free
9906.17.14	108.3%	96.2%	84.2%	72.2%	60.2%	48.1%	36.1%	24.1%	12%	Free	Free	Free	Free	Free	Free
9906.17.17	36.451¢/kg	35.517¢/kg	34.582¢/kg	33.647¢/kg	32.713¢/kg	31.778¢/kg	28.247¢/kg	24.716¢/kg	21.185¢/kg	17.655¢/kg	14.124¢/kg	10.593¢/kg	7.062¢/kg	3.531¢/kg	Free
9906.17.19	34.1¢/kg	30.3¢/kg	26.5¢/kg	22.7¢/kg	19¢/kg	15.2¢/kg	11.4¢/kg	7.6¢/kg	3.8¢/kg	Free	Free	Free	Free	Free	Free
9906.17.20	108.3%	96.2%	84.2%	72.2%	60.2%	48.1%	36.1%	24.1%	12%	Free	Free	Free	Free	Free	Free
9906.17.22	34.1¢/kg	30.3¢/kg	26.5¢/kg	22.7¢/kg	19¢/kg	15.2¢/kg	11.4¢/kg	7.6¢/kg	3.8¢/kg	Free	Free	Free	Free	Free	Free
9906.17.23	108.3%	96.2%	84.2%	72.2%	60.2%	48.1%	36.1%	24.1%	12%	Free	Free	Free	Free	Free	Free
9906.17.26	38.2¢/kg	33.9¢/kg	29.7¢/kg	25.4¢/kg	21.2¢/kg	17¢/kg	12.7¢/kg	8.5¢/kg	4.2¢/kg	Free	Free	Free	Free	Free	Free
9906.17.27	87.2%	77.5%	67.8%	58.1%	48.5%	38.8%	29.1%	19.4%	9.7%	Free	Free	Free	Free	Free	Free
9906.17.30	38.2¢/kg	33.9¢/kg	29.7¢/kg	25.4¢/kg	21.2¢/kg	17¢/kg	12.7¢/kg	8.5¢/kg	4.2¢/kg	Free	Free	Free	Free	Free	Free
9906.17.31	87.2%	77.5%	67.8%	58.1%	48.5%	38.8%	29.1%	19.4%	9.7%	Free	Free	Free	Free	Free	Free
9906.17.33	38.2¢/kg	33.9¢/kg	29.7¢/kg	25.4¢/kg	21.2¢/kg	17¢/kg	12.7¢/kg	8.5¢/kg	4.2¢/kg	Free	Free	Free	Free	Free	Free
9906.17.34	87.2%	77.5%	67.8%	58.1%	48.5%	38.8%	29.1%	19.4%	9.7%	Free	Free	Free	Free	Free	Free
9906.17.36	38.2¢/kg	33.9¢/kg	29.7¢/kg	25.4¢/kg	21.2¢/kg	17¢/kg	12.7¢/kg	8.5¢/kg	4.2¢/kg	Free	Free	Free	Free	Free	Free
9906.17.37	87.2%	77.5%	67.8%	58.1%	48.5%	38.8%	29.1%	19.4%	9.7%	Free	Free	Free	Free	Free	Free
9906.17.38	10.9%	9.7%	8.5%	7.3%	6.1%	4.8%	3.6%	2.4%	1.2%	Free	Free	Free	Free	Free	Free
9906.18.02	21.9¢/kg	19.4¢/kg	17¢/kg	14.6¢/kg	12.2¢/kg	9.7¢/kg	7.3¢/kg	4.9¢/kg	2.4¢/kg	Free	Free	Free	Free	Free	Free
9906.18.03	108.3%	96.2%	84.2%	72.2%	60.2%	48.1%	36.1%	24.1%	12%	Free	Free	Free	Free	Free	Free
9906.18.05	33.8¢/kg	30¢/kg	26.3¢/kg	22.5¢/kg	18.8¢/kg	15¢/kg	11.3¢/kg	7.5¢/kg	3.8¢/kg	Free	Free	Free	Free	Free	Free
9906.18.06	108.3%	96.2%	84.2%	72.2%	60.2%	48.1%	36.1%	24.1%	12%	Free	Free	Free	Free	Free	Free
9906.18.08	33.8¢/kg	30¢/kg	26.3¢/kg	22.5¢/kg	18.8¢/kg	15¢/kg	11.3¢/kg	7.5¢/kg	3.8¢/kg	Free	Free	Free	Free	Free	Free
9906.18.09	108.3%	96.2%	84.2%	72.2%	60.2%	48.1%	36.1%	24.1%	12%	Free	Free	Free	Free	Free	Free
9906.18.15	50.7¢/kg	45¢/kg	39.4¢/kg	33.8¢/kg	28.2¢/kg	22.5¢/kg	16.9¢/kg	11.3¢/kg	5.6¢/kg	Free	Free	Free	Free	Free	Free
9906.18.16	85.1%	75.6%	66.2%	56.7%	47.3%	37.8%	28.4%	18.9%	9.5%	Free	Free	Free	Free	Free	Free
9906.18.18	30.7¢/kg	27.3¢/kg	23.9¢/kg	20.5¢/kg	17.1¢/kg	13.6¢/kg	10.2¢/kg	6.8¢/kg	3.4¢/kg	Free	Free	Free	Free	Free	Free
9906.18.19	108.3%	96.2%	84.2%	72.2%	60.2%	48.1%	36.1%	24.1%	12%	Free	Free	Free	Free	Free	Free

Annex III (con.)
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Section (B). (con.)

Subheading	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
9906.18.21	30.7¢/kg	27.3¢/kg	23.9¢/kg	20.5¢/kg	17.1¢/kg	13.6¢/kg	10.2¢/kg	6.8¢/kg	3.4¢/kg	Free	Free	Free	Free	Free	Free
9906.18.22	108.3%	96.2%	84.2%	72.2%	60.2%	48.1%	36.1%	24.1%	12%	Free	Free	Free	Free	Free	Free
9906.18.25	50.7¢/kg	45¢/kg	39.4¢/kg	33.8¢/kg	28.2¢/kg	22.5¢/kg	16.9¢/kg	11.3¢/kg	5.6¢/kg	Free	Free	Free	Free	Free	Free
9906.18.26	85.1%	75.6%	66.2%	56.7%	47.3%	37.8%	28.4%	18.9%	9.5%	Free	Free	Free	Free	Free	Free
9906.18.28	50.7¢/kg	45¢/kg	39.4¢/kg	33.8¢/kg	28.2¢/kg	22.5¢/kg	16.9¢/kg	11.3¢/kg	5.6¢/kg	Free	Free	Free	Free	Free	Free
9906.18.29	85.1%	75.6%	66.2%	56.7%	47.3%	37.8%	28.4%	18.9%	9.5%	Free	Free	Free	Free	Free	Free
9906.18.31	50.7¢/kg	45¢/kg	39.4¢/kg	33.8¢/kg	28.2¢/kg	22.5¢/kg	16.9¢/kg	11.3¢/kg	5.6¢/kg	Free	Free	Free	Free	Free	Free
9906.18.32	85.1%	75.6%	66.2%	56.7%	47.3%	37.8%	28.4%	18.9%	9.5%	Free	Free	Free	Free	Free	Free
9906.18.33	9%	8%	7%	6%	5%	4%	3%	2%	1%	Free	Free	Free	Free	Free	Free
9906.18.35	50.7¢/kg	45¢/kg	39.4¢/kg	33.8¢/kg	28.2¢/kg	22.5¢/kg	16.9¢/kg	11.3¢/kg	5.6¢/kg	Free	Free	Free	Free	Free	Free
9906.18.36	85.1%	75.6%	66.2%	56.7%	47.3%	37.8%	28.4%	18.9%	9.5%	Free	Free	Free	Free	Free	Free
9906.18.39	50.7¢/kg	45¢/kg	39.4¢/kg	33.8¢/kg	28.2¢/kg	22.5¢/kg	16.9¢/kg	11.3¢/kg	5.6¢/kg	Free	Free	Free	Free	Free	Free
9906.18.40	85.1%	75.6%	66.2%	56.7%	47.3%	37.8%	28.4%	18.9%	9.5%	Free	Free	Free	Free	Free	Free
9906.18.42	50.7¢/kg	45¢/kg	39.4¢/kg	33.8¢/kg	28.2¢/kg	22.5¢/kg	16.9¢/kg	11.3¢/kg	5.6¢/kg	Free	Free	Free	Free	Free	Free
9906.18.43	85.1%	75.6%	66.2%	56.7%	47.3%	37.8%	28.4%	18.9%	9.5%	Free	Free	Free	Free	Free	Free
9906.18.45	50.7¢/kg	45¢/kg	39.4¢/kg	33.8¢/kg	28.2¢/kg	22.5¢/kg	16.9¢/kg	11.3¢/kg	5.6¢/kg	Free	Free	Free	Free	Free	Free
9906.18.46	85.1%	75.6%	66.2%	56.7%	47.3%	37.8%	28.4%	18.9%	9.5%	Free	Free	Free	Free	Free	Free
9906.18.48	50.7¢/kg	45¢/kg	39.4¢/kg	33.8¢/kg	28.2¢/kg	22.5¢/kg	16.9¢/kg	11.3¢/kg	5.6¢/kg	Free	Free	Free	Free	Free	Free
9906.18.49	85.1%	75.6%	66.2%	56.7%	47.3%	37.8%	28.4%	18.9%	9.5%	Free	Free	Free	Free	Free	Free
9906.19.02	95.2¢/kg	84.6¢/kg	74.1¢/kg	63.5¢/kg	52.9¢/kg	42.3¢/kg	31.7¢/kg	21.2¢/kg	10.6¢/kg	Free	Free	Free	Free	Free	Free
9906.19.03	74.8%	66.5%	58.2%	49.9%	41.6%	33.2%	24.9%	16.6%	8.3%	Free	Free	Free	Free	Free	Free
9906.19.04	15.7%	14%	12.2%	10.5%	8.7%	7%	5.2%	3.5%	1.7%	Free	Free	Free	Free	Free	Free
9906.19.06	39.2¢/kg	34.8¢/kg	30.5¢/kg	26.1¢/kg	21.8¢/kg	17.4¢/kg	13.1¢/kg	8.7¢/kg	4.4¢/kg	Free	Free	Free	Free	Free	Free
9906.19.07	82.1%	73%	63.8%	54.7%	45.6%	36.5%	27.4%	18.2%	9.1%	Free	Free	Free	Free	Free	Free
9906.19.09	39.2¢/kg	34.8¢/kg	30.5¢/kg	26.1¢/kg	21.8¢/kg	17.4¢/kg	13.1¢/kg	8.7¢/kg	4.4¢/kg	Free	Free	Free	Free	Free	Free
9906.19.10	82.1%	73%	63.8%	54.7%	45.6%	36.5%	27.4%	18.2%	9.1%	Free	Free	Free	Free	Free	Free
9906.19.12	39.2¢/kg	34.8¢/kg	30.5¢/kg	26.1¢/kg	21.8¢/kg	17.4¢/kg	13.1¢/kg	8.7¢/kg	4.4¢/kg	Free	Free	Free	Free	Free	Free
9906.19.13	82.1%	73%	63.8%	54.7%	45.6%	36.5%	27.4%	18.2%	9.1%	Free	Free	Free	Free	Free	Free
9906.19.17	95.2¢/kg	84.6¢/kg	74.1¢/kg	63.5¢/kg	52.9¢/kg	42.3¢/kg	31.7¢/kg	21.2¢/kg	10.6¢/kg	Free	Free	Free	Free	Free	Free
9906.19.18	74.8%	66.5%	58.2%	49.9%	41.6%	33.2%	24.9%	16.6%	8.3%	Free	Free	Free	Free	Free	Free
9906.19.19	15.7%	14%	12.2%	10.5%	8.7%	7%	5.2%	3.5%	1.7%	Free	Free	Free	Free	Free	Free
9906.19.21	95.2¢/kg	84.6¢/kg	74.1¢/kg	63.5¢/kg	52.9¢/kg	42.3¢/kg	31.7¢/kg	21.2¢/kg	10.6¢/kg	Free	Free	Free	Free	Free	Free
9906.19.22	74.8%	66.5%	58.2%	49.9%	41.6%	33.2%	24.9%	16.6%	8.3%	Free	Free	Free	Free	Free	Free
9906.19.23	15.7%	14%	12.2%	10.5%	8.7%	7%	5.2%	3.5%	1.7%	Free	Free	Free	Free	Free	Free
9906.19.25	95.2¢/kg	84.6¢/kg	74.1¢/kg	63.5¢/kg	52.9¢/kg	42.3¢/kg	31.7¢/kg	21.2¢/kg	10.6¢/kg	Free	Free	Free	Free	Free	Free
9906.19.26	74.8%	66.5%	58.2%	49.9%	41.6%	33.2%	24.9%	16.6%	8.3%	Free	Free	Free	Free	Free	Free
9906.19.27	14.4%	12.8%	11.2%	9.6%	8%	6.4%	4.8%	3.2%	1.6%	Free	Free	Free	Free	Free	Free
9906.19.29	95.2¢/kg	84.6¢/kg	74.1¢/kg	63.5¢/kg	52.9¢/kg	42.3¢/kg	31.7¢/kg	21.2¢/kg	10.6¢/kg	Free	Free	Free	Free	Free	Free
9906.19.30	74.8%	66.5%	58.2%	49.9%	41.6%	33.2%	24.9%	16.6%	8.3%	Free	Free	Free	Free	Free	Free
9906.19.32	23.9¢/kg	21.2¢/kg	18.6¢/kg	15.9¢/kg	13.3¢/kg	10.6¢/kg	8¢/kg	5.3¢/kg	2.7¢/kg	Free	Free	Free	Free	Free	Free
9906.19.33	108.3%	96.2%	84.2%	72.2%	60.2%	48.1%	36.1%	24.1%	12%	Free	Free	Free	Free	Free	Free
9906.19.35	23.9¢/kg	21.2¢/kg	18.6¢/kg	15.9¢/kg	13.3¢/kg	10.6¢/kg	8¢/kg	5.3¢/kg	2.7¢/kg	Free	Free	Free	Free	Free	Free
9906.19.36	108.3%	96.2%	84.2%	72.2%	60.2%	48.1%	36.1%	24.1%	12%	Free	Free	Free	Free	Free	Free

Annex III (con.)
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Section (B). (con.)

Subheading	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
9906.19.37	23.9¢/kg	21.2¢/kg	18.6¢/kg	15.9¢/kg	13.3¢/kg	10.6¢/kg	8¢/kg	5.3¢/kg	2.7¢/kg	Free	Free	Free	Free	Free	Free
9906.19.38	108.3%	96.2%	84.2%	72:2%	60.2%	48.1%	36.1%	24.1%	12%	Free	Free	Free	Free	Free	Free
9906.20.01	3.3¢/kg	2.9¢/kg	2.5¢/kg	2.2¢/kg	1.8¢/kg	1.4¢/kg	1.1¢/kg	0.7¢/kg	0.3¢/kg	Free	Free	Free	Free	Free	Free
9906.20.02	6.6¢/kg on the drained weight	5.9¢/kg on the drained weight	5.1¢/kg on the drained weight	4.4¢/kg on the drained weight	3.7¢/kg on the drained weight	2.9¢/kg on the drained weight	2.2¢/kg on the drained weight	1.4¢/kg on the drained weight	0.7¢/kg on the drained weight	Free	Free	Free	Free	Free	Free
9906.20.04	78.3¢/kg	76.3¢/kg	74.3¢/kg	72.3¢/kg	70.3¢/kg	68.3¢/kg	60.7¢/kg	53.1¢/kg	45.5¢/kg	37.9¢/kg	30.3¢/kg	22.8¢/kg	15.2¢/kg	7.6¢/kg	Free
9906.20.05	120%	116.9%	113.9%	110.8%	107.7%	104.6%	93%	81.4%	69.8%	58.1%	46.5%	34.9%	23.3%	11.6%	Free
9906.20.06	4.625¢/liter	4.625¢/liter	4.625¢/liter	4.625¢/liter	4.625¢/liter	4.625¢/liter	4.625¢/liter	4.625¢/liter	4.625¢/liter	4.625¢/liter	4.625¢/liter	4.625¢/liter	3.145¢/liter	1.572¢/liter	Free
9906.20.07	9.019¢/liter	8.787¢/liter	8.556¢/liter	8.325¢/liter	8.094¢/liter	7.862¢/liter	7.862¢/liter	7.862¢/liter	7.862¢/liter	7.862¢/liter	6.29¢/liter	4.717¢/liter	3.145¢/liter	1.572¢/liter	Free
9906.20.08	2.65¢/liter	2.65¢/liter	2.65¢/liter	2.65¢/liter	2.65¢/liter	2.65¢/liter	2.65¢/liter	2.473¢/liter	2.12¢/liter	1.767¢/liter	1.413¢/liter	1.06¢/liter	0.707¢/liter	0.353¢/liter	Free
9906.20.09	4.945¢/liter	4.593¢/liter	4.24¢/liter	3.887¢/liter	3.533¢/liter	3.18¢/liter	2.827¢/liter	2.473¢/liter	2.12¢/liter	1.767¢/liter	1.413¢/liter	1.06¢/liter	0.707¢/liter	0.353¢/liter	Free
9906.21.02	30.7¢/kg	27.3¢/kg	23.9¢/kg	20.5¢/kg	17.1¢/kg	13.6¢/kg	10.2¢/kg	6.8¢/kg	3.4¢/kg	Free	Free	Free	Free	Free	Free
9906.21.03	108.3%	96.2%	84.2%	72.2%	60.2%	48.1%	36.1%	24.1%	12%	Free	Free	Free	Free	Free	Free
9906.21.05	30.7¢/kg	27.3¢/kg	23.9¢/kg	20.5¢/kg	17.1¢/kg	13.6¢/kg	10.2¢/kg	6.8¢/kg	3.4¢/kg	Free	Free	Free	Free	Free	Free
9906.21.06	108.3%	96.2%	84.2%	72.2%	60.2%	48.1%	36.1%	24.1%	12%	Free	Free	Free	Free	Free	Free
9906.21.08	30.7¢/kg	27.3¢/kg	23.9¢/kg	20.5¢/kg	17.1¢/kg	13.6¢/kg	10.2¢/kg	6.8¢/kg	3.4¢/kg	Free	Free	Free	Free	Free	Free
9906.21.09	108.3%	96.2%	84.2%	72.2%	60.2%	48.1%	36.1%	24.1%	12%	Free	Free	Free	Free	Free	Free
9906.21.12	30.7¢/kg	27.3¢/kg	23.9¢/kg	20.5¢/kg	17.1¢/kg	13.6¢/kg	10.2¢/kg	6.8¢/kg	3.4¢/kg	Free	Free	Free	Free	Free	Free
9906.21.13	108.3%	96.2%	84.2%	72.2%	60.2%	48.1%	36.1%	24.1%	12%	Free	Free	Free	Free	Free	Free
9906.21.15	30.7¢/kg	27.3¢/kg	23.9¢/kg	20.5¢/kg	17.1¢/kg	13.6¢/kg	10.2¢/kg	6.8¢/kg	3.4¢/kg	Free	Free	Free	Free	Free	Free
9906.21.16	108.3%	96.2%	84.2%	72.2%	60.2%	48.1%	36.1%	24.1%	12%	Free	Free	Free	Free	Free	Free
9906.21.20	42.5¢/kg	37.8¢/kg	33¢/kg	28.3¢/kg	23.6¢/kg	18.9¢/kg	14.2¢/kg	9.4¢/kg	4.7¢/kg	Free	Free	Free	Free	Free	Free
9906.21.21	83%	73.8%	64.5%	55.3%	46.1%	36.9%	27.7%	18.4%	9.2%	Free	Free	Free	Free	Free	Free
9906.21.23	42.5¢/kg	37.8¢/kg	33¢/kg	28.3¢/kg	23.6¢/kg	18.9¢/kg	14.2¢/kg	9.4¢/kg	4.7¢/kg	Free	Free	Free	Free	Free	Free
9906.21.24	83%	73.8%	64.5%	55.3%	46.1%	36.9%	27.7%	18.4%	9.2%	Free	Free	Free	Free	Free	Free
9906.21.27	88.7¢/kg	78.8¢/kg	69¢/kg	59.1¢/kg	49.3¢/kg	39.4¢/kg	29.6¢/kg	19.7¢/kg	9.9¢/kg	Free	Free	Free	Free	Free	Free
9906.21.28	70.2%	62.4%	54.6%	46.8%	39%	31.2%	23.4%	15.6%	7.8%	Free	Free	Free	Free	Free	Free
9906.21.30	36.451¢/kg on total sugars	35.517¢/kg on total sugars	34.582¢/kg on total sugars	33.647¢/kg on total sugars	32.713¢/kg on total sugars	31.778¢/kg on total sugars	28.247¢/kg on total sugars	24.716¢/kg on total sugars	21.185¢/kg on total sugars	17.655¢/kg on total sugars	14.124¢/kg on total sugars	10.593¢/kg on total sugars	7.062¢/kg on total sugars	3.531¢/kg on total sugars	Free
9906.21.32	$1.355/kg	$1.204/kg	$1.054/kg	90.3¢/kg	75.3¢/kg	60.2¢/kg	45.2¢/kg	30.1¢/kg	15.1¢/kg	Free	Free	Free	Free	Free	Free
9906.21.33	86.1%	76.6%	67%	57.4%	47.9%	38.3%	28.7%	19.1%	9.6%	Free	Free	Free	Free	Free	Free
9906.21.34	13.8¢/kg	12.3¢/kg	10.7¢/kg	9.2¢/kg	7.7¢/kg	6.1¢/kg	4.6¢/kg	3¢/kg	1.5¢/kg	Free	Free	Free	Free	Free	Free
9906.21.35	4.625¢/liter	4.625¢/liter	4.625¢/liter	4.625¢/liter	4.625¢/liter	4.625¢/liter	4.625¢/liter	4.625¢/liter	4.625¢/liter	4.625¢/liter	4.625¢/liter	4.625¢/liter	3.145¢/liter	1.572¢/liter	Free
9906.21.36	9.019¢/liter	8.787¢/liter	8.556¢/liter	8.325¢/liter	8.094¢/liter	7.862¢/liter	7.862¢/liter	7.862¢/liter	7.862¢/liter	7.862¢/liter	6.29¢/liter	4.717¢/liter	3.145¢/liter	1.572¢/liter	Free
9906.21.38	63.3¢/kg	56.2¢/kg	49.2¢/kg	42.2¢/kg	35.2¢/kg	28.1¢/kg	21.1¢/kg	14.1¢/kg	7¢/kg	Free	Free	Free	Free	Free	Free
9906.21.39	84.5%	75.1%	65.7%	56.3%	47%	37.6%	28.2%	18.8%	9.4%	Free	Free	Free	Free	Free	Free
9906.21.40	14.4%	12.8%	11.2%	9.6%	8%	6.4%	4.8%	3.2%	1.6%	Free	Free	Free	Free	Free	Free
9906.21.42	63.3¢/kg	56.2¢/kg	49.2¢/kg	42.2¢/kg	35.2¢/kg	28.1¢/kg	21.1¢/kg	14.1¢/kg	7¢/kg	Free	Free	Free	Free	Free	Free
9906.21.43	84.5%	75.1%	65.7%	56.3%	47%	37.6%	28.2%	18.8%	9.4%	Free	Free	Free	Free	Free	Free
9906.21.45	63.3¢/kg	56.2¢/kg	49.2¢/kg	42.2¢/kg	35.2¢/kg	28.1¢/kg	21.1¢/kg	14.1¢/kg	7¢/kg	Free	Free	Free	Free	Free	Free
9906.21.46	84.5%	75.1%	65.7%	56.3%	47%	37.6%	28.2%	18.8%	9.4%	Free	Free	Free	Free	Free	Free
9906.21.48	63.3¢/kg	56.2¢/kg	49.2¢/kg	42.2¢/kg	35.2¢/kg	28.1¢/kg	21.1¢/kg	14.1¢/kg	7¢/kg	Free	Free	Free	Free	Free	Free

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Section (B). (con.)

Subheading	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
9906.21.49	84.5%	75.1%	65.7%	56.3%	47%	37.6%	28.2%	18.8%	9.4%	Free	Free	Free	Free	Free	Free
9906.21.51	63.3¢/kg	56.2¢/kg	49.2¢/kg	42.2¢/kg	35.2¢/kg	28.1¢/kg	21.1¢/kg	14.1¢/kg	7¢/kg	Free	Free	Free	Free	Free	Free
9906.21.52	84.5%	75.1%	65.7%	56.3%	47%	37.6%	28.2%	18.8%	9.4%	Free	Free	Free	Free	Free	Free
9906.21.53	63.3¢/kg	56.2¢/kg	49.2¢/kg	42.2¢/kg	35.2¢/kg	28.1¢/kg	21.1¢/kg	14.1¢/kg	7¢/kg	Free	Free	Free	Free	Free	Free
9906.21.54	84.5%	75.1%	65.7%	56.3%	47%	37.6%	28.2%	18.8%	9.4%	Free	Free	Free	Free	Free	Free
9906.22.02	24.3¢/kg	21.6¢/kg	18.9¢/kg	16.2¢/kg	13.5¢/kg	10.8¢/kg	8.1¢/kg	5.4¢/kg	2.7¢/kg	Free	Free	Free	Free	Free	Free
9906.22.03	82.9%	73.7%	64.5%	55.3%	46.1%	36.8%	27.6%	18.4%	9.2%	Free	Free	Free	Free	Free	Free
9906.22.04	2.65¢/liter	2.65¢/liter	2.65¢/liter	2.65¢/liter	2.65¢/liter	2.65¢/liter	2.65¢/liter	2.473¢/liter	2.12¢/liter	1.767¢/liter	1.413¢/liter	1.06¢/liter	0.707¢/liter	0.353¢/liter	Free
9906.22.05	4.945¢/liter	4.593¢/liter	4.24¢/liter	3.887¢/liter	3.533¢/liter	3.18¢/liter	2.827¢/liter	2.473¢/liter	2.12¢/liter	1.767¢/liter	1.413¢/liter	1.06¢/liter	0.707¢/liter	0.353¢/liter	Free
9906.23.02	85.1¢/kg	75.6¢/kg	66.2¢/kg	56.7¢/kg	47.3¢/kg	37.8¢/kg	28.4¢/kg	18.9¢/kg	9.5¢/kg	Free	Free	Free	Free	Free	Free
9906.23.03	70.2%	62.4%	54.6%	46.8%	39%	31.2%	23.4%	15.6%	7.8%	Free	Free	Free	Free	Free	Free
9906.29.18	6.3%	4.7%	3.1%	1.5%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
9906.38.03	6.3%	5.6%	4.9%	4.2%	3.5%	2.8%	2.1%	1.4%	0.7%	Free	Free	Free	Free	Free	Free
9906.52.03	8¢/kg	7.1¢/kg	6.2¢/kg	5.3¢/kg	4.5¢/kg	3.6¢/kg	2.7¢/kg	1.8¢/kg	0.9¢/kg	Free	Free	Free	Free	Free	Free
9906.52.04	23.4%	20.8%	18.2%	15.6%	13%	10.4%	7.8%	5.2%	2.6%	Free	Free	Free	Free	Free	Free
9906.52.06	32¢/kg	28.4¢/kg	24.9¢/kg	21.3¢/kg	17.8¢/kg	14.2¢/kg	10.7¢/kg	7.1¢/kg	3.6¢/kg	Free	Free	Free	Free	Free	Free
9906.52.07	23.4%	20.8%	18.2%	15.6%	13%	10.4%	7.8%	5.2%	2.6%	Free	Free	Free	Free	Free	Free
9906.57.02	7%	5.6%	4.2%	2.8%	1.4%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
9906.58.01	6.5%	5.2%	3.9%	2.6%	1.3%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
9906.61.11	4.5%	4%	3.5%	3%	2.5%	2%	1.5%	1%	0.5%	Free	Free	Free	Free	Free	Free
9906.61.13	18.6%	16.5%	14.4%	12.4%	10.3%	8.2%	6.2%	4.1%	2%	Free	Free	Free	Free	Free	Free
9906.61.16	5.4%	4.8%	4.2%	3.6%	3%	2.4%	1.8%	1.2%	0.6%	Free	Free	Free	Free	Free	Free
9906.61.18	5.4%	4.8%	4.2%	3.6%	3%	2.4%	1.8%	1.2%	0.6%	Free	Free	Free	Free	Free	Free
9906.61.22	10.1%	8.1%	6.1%	4%	2%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
9906.61.24	13.5%	10.8%	8.1%	5.4%	2.7%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
9906.62.02	7.3%	5.8%	4.4%	2.9%	1.4%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
9906.62.07	14.1%	11.2%	8.4%	5.6%	2.8%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
9906.62.09	5.2%	4.2%	3.1%	2.1%	1%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
9906.62.12	7.8%	6.2%	4.7%	3.1%	1.5%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
9906.62.15	7.8%	6.2%	4.7%	3.1%	1.5%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
9906.62.16	7.8%	6.2%	4.7%	3.1%	1.5%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
9906.63.01	5.2%	4.2%	3.1%	2.1%	1%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
9906.64.02	5.4%	4.8%	4.2%	3.6%	3%	2.4%	1.8%	1.2%	0.6%	Free	Free	Free	Free	Free	Free
9906.64.03	4.8%	3.6%	2.4%	1.2%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
9906.64.06	6.8%	6.8%	5.9%	5.1%	4.2%	3.4%	2.5%	1.7%	0.8%	Free	Free	Free	Free	Free	Free
9906.70.01	6.1%	5.7%	5.2%	4.8%	4.4%	3.9%	3.5%	3%	2.6%	2.2%	1.7%	1.3%	0.8%	0.4%	Free
9906.70.02	18.6%	17.3%	16%	14.6%	13.3%	12%	10.6%	9.3%	8%	6.6%	5.3%	4%	2.6%	1.3%	Free
9906.87.01	22.5%	20%	17.5%	15%	12.5%	10%	7.5%	5%	2.5%	Free	Free	Free	Free	Free	Free
9906.87.02	7.6%	6.8%	5.9%	5.1%	4.2%	3.4%	2.5%	1.7%	0.8%	Free	Free	Free	Free	Free	Free
9906.87.03	10%	7.5%	5%	2.5%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
9906.87.04	6.8%	5.1%	3.4%	1.7%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
9906.96.02	22.4%	22.4%	22.4%	22.4%	22.4%	22.4%	16%	16%	16%	16%	16%	Free	Free	Free	Free

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Section (C). Effective with respect to goods of Mexico, under the terms of general note 12 to the tariff schedule, entered, or withdrawn from warehouse for consumption, on or after the dates listed below.

(1). On January 1, 1998, for the following subheadings, the Rates of Duty 1 Special subcolumn is modified by deleting the "(MX)" symbol and the rate preceding such symbol and inserting in the parentheses following the "Free" rate in such subcolumn the symbol "MX" in alphabetical order.

0711.20.25
0805.10.00
8704.21.00
8704.31.00

(2). On January 1, 1999, for the following subheadings, the Rates of Duty 1 Special subcolumn is modified by deleting the "(MX)" symbol and the rate preceding such symbol and inserting in the parentheses following the "Free" rate in such subcolumn the symbol "MX" in alphabetical order.

6114.20.00
6114.30.30
6208.92.00
6211.42.00

(3). On January 1, 2003, the Rates of Duty 1 Special subcolumn is modified by:

(a). for the following subheadings, deleting the "(MX)" symbol and the rate preceding such symbol and inserting in the parentheses following the "Free" rate in such subcolumn the symbol "MX" in alphabetical order:

0401.30.10	0403.90.70	0406.20.60	0703.10.40	1702.60.00
0401.30.30	0403.90.75	0406.30.10	0704.10.40	1702.90.50
0401.30.40	0403.90.80	0406.30.20	0704.20.00	1704.90.40
0402.10.00	0404.10.07	0406.30.30	0705.11.40	1704.90.60
0402.21.20	0404.10.09	0406.30.40	0705.19.40	1806.10.20
0402.21.40	0404.10.40	0406.30.50	0708.20.90	1806.10.30
0402.21.60	0404.90.20	0406.30.60	0709.30.20	1806.20.40
0402.29.00	0404.90.45	0406.40.60	0709.40.60	1806.20.70
0402.91.20	0404.90.65	0406.40.80	0709.90.40	1806.20.80
0402.91.40	0405.00.70	0406.90.10	0710.80.97	1806.32.20
0402.99.20	0405.00.75	0406.90.15	0804.50.60	1806.32.40
0402.99.40	0405.00.80	0406.90.30	0805.20.00	1806.90.00
0402.99.60	0406.10.10	0406.90.35	0807.10.40	1901.10.10
0403.10.00	0406.10.50	0406.90.40	0807.10.70	1901.10.90
0403.90.10	0406.20.20	0406.90.45	1517.90.40	1901.20.10
0403.90.15	0406.20.30	0406.90.65	1701.91.40	1901.20.90
0403.90.40	0406.20.35	0406.90.70	1702.20.20	1901.90.31
0403.90.50	0406.20.40	0406.90.80	1702.30.20	1901.90.39
0403.90.60	0406.20.50	0702.00.20	1702.40.00	1901.90.41

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1901.90.49	2105.00.00	2106.90.59	5201.00.50	8704.10.50
1901.90.81	2106.90.05	2202.90.20	5202.99.00	8704.22.50
1901.90.89	2106.90.13	2309.90.31	5203.00.00	8704.23.00
2005.70.15	2106.90.14	2309.90.39	6110.20.10	8704.32.00
2101.10.40	2106.90.41	3823.90.45	6110.20.20	8704.90.00
2101.20.40	2106.90.49	5201.00.10	6110.90.00	
2103.90.60	2106.90.51	5201.00.20	6402.19.10	

(b). for the following subheadings, for the rate in such subcolumn followed by the symbol "MX" in parentheses, deleting the symbol "MX" from the parentheses, and inserting in the parentheses following the "Free" rate the symbol "MX" in alphabetical order.

2106.90.17
2106.90.18
2202.90.36
2202.90.37

(c). for the following subheadings, deleting the "(MX)" symbol and the rate preceding such symbol and inserting a "Free" rate of duty followed by the symbol "MX" in parentheses in lieu thereof:

9906.07.04
9906.07.12
9906.07.36
9906.08.11

(4). On March 1, 2003, the Rates of Duty 1 Special subcolumn is modified by:
(a). for subheading 0702.00.60, deleting the "(MX)" symbol and the rate preceding such symbol and inserting in the parentheses following the "Free" rate in such subcolumn the symbol "MX" in alphabetical order.
(b). for subheading 9906.07.09, deleting the "(MX)" symbol and the rate preceding such symbol and inserting a "Free" rate of duty followed by the symbol "MX" in parentheses in lieu thereof.

(5). On July 1, 2003, the Rates of Duty 1 Special subcolumn is modified by:
(a). for subheading 0709.90.20, deleting the "(MX)" symbol and the rate preceding such symbol and inserting in the parentheses following the "Free" rate in such subcolumn the symbol "MX" in alphabetical order.
(b). for subheading 9906.07.48, deleting the "(MX)" symbol and the rate preceding such symbol and inserting a "Free" rate of duty followed by the symbol "MX" in parentheses in lieu thereof.

Section (C). (con.)

(6). On August 1, 2003, the Rates of Duty 1 Special subcolumn is modified by:
(a). for subheading 0709.60.00, deleting the "(MX)" symbol and the rate preceding such symbol and inserting in the parentheses following the "Free" rate in such subcolumn the symbol "MX" in alphabetical order.
(b). for subheading 9906.07.43, deleting the "(MX)" symbol and the rate preceding such symbol and inserting a "Free" rate of duty followed by the symbol "MX" in parentheses in lieu thereof.

(7). On January 1, 2005, the Rates of Duty 1 Special subcolumn, for subheading 9603.10.60, is modified by deleting the "(MX)" symbol and the rate preceding such symbol and inserting in the parentheses following the "Free" rate in such subcolumn the symbol "MX" in alphabetical order.

(8). On January 1, 2008, the Rates of Duty 1 Special subcolumn is modified by, for the following subheadings, deleting the "(MX)" symbol and the rate preceding such symbol and inserting in the parentheses following the "Free" rate in such subcolumn the symbol "MX" in alphabetical order:

0704.90.40
0707.00.50
0709.20.90
0807.10.20
1202.10.00
1202.20.00
1701.11.03
1701.12.02
1701.91.22
1701.99.02
1702.90.32
1806.10.42
2008.11.20
2008.11.90
2009.11.00
2009.19.25
2106.90.12
2106.90.16
2202.90.30

Section (D). Effective with respect to goods of Canada, under the terms of general note 12 to the tariff schedule, entered, or withdrawn from warehouse for consumption, on or after January 1 of each of the years listed below.

(1). For each of the following subheadings, the Rates of Duty 1 Special subcolumn is modified (i) by deleting the rate of duty preceding the symbol "CA" in parentheses and inserting the rate of duty specified for such subheading in the first dated column in the table below in lieu thereof, and (ii) for each of the subsequent dated columns the rates of duty that are followed by the symbol "CA" in parentheses are deleted and the following rates of duty are inserted in such subheadings in lieu thereof.

HTS subheading	1995	1996	1997	1998
1702.90.31	0.4381¢/kg of total sugars	0.2991¢/kg of total sugars	0.1460¢/kg of total sugars	Free

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HTS subheading	1995	1996	1997	1998
1702.90.32	0.4381¢/kg of total sugars	0.2991¢/kg of total sugars	0.1460¢/kg of total sugars	Free
1901.10.10	5.2%	3.5%	1.7%	Free
1901.10.90	5.2%	3.5%	1.7%	Free
1901.20.10	3%	2%	1%	Free
1901.20.90	3%	2%	1%	Free
1901.90.31	5.2%	3.5%	1.7%	Free
1901.90.39	5.2%	3.5%	1.7%	Free
1901.90.41	4.8%	3.2%	1.6%	Free
1901.90.49	4.8%	3.2%	1.6%	Free
1901.90.81	3%	2%	1%	Free
1901.90.89	3%	2%	1%	Free
2008.11.10	1.9¢/kg	1.3¢/kg	0.6¢/kg	Free
2008.11.20	1.9¢/kg	1.3¢/kg	0.6¢/kg	Free
2008.11.90	1.9¢/kg	1.3¢/kg	0.6¢/kg	Free
2106.90.11	0.4381¢/kg of total sugars	0.2991¢/kg of total sugars	0.1460¢/kg of total sugars	Free
2106.90.12	0.4381¢/kg of total sugars	0.2991¢/kg of total sugars	0.1460¢/kg of total sugars	Free
2106.90.13	4.6¢/kg	3¢/kg	1.5¢/kg	Free
2106.90.14	4.6¢/kg	3¢/kg	1.5¢/kg	Free
2106.90.41	4.8%	3.2%	1.6%	Free
2106.90.49	4.8%	3.2%	1.6%	Free
2106.90.51	3%	2%	1%	Free
2106.90.59	3%	2%	1%	Free
2106.90.61	3%	2%	1%	Free
2106.90.69	3%	2%	1%	Free
4008.19.20	1.2%	0.8%	0.4%	Free
4008.19.40	1.2%	0.8%	0.4%	Free
4008.19.60	1.9%	1.3%	0.6%	Free
4008.19.80	1.9%	1.3%	0.6%	Free
4008.29.20	1.7%	1.1%	0.5%	Free
4008.29.40	1.7%	1.1%	0.5%	Free
4012.20.60	1.2%	0.8%	0.4%	Free
4012.20.80	1.2%	0.8%	0.4%	Free
4016.93.10	1%	0.7%	0.3%	Free
4016.93.50	1%	0.7%	0.3%	Free
4016.99.30	1.2%	0.8%	0.4%	Free
4016.99.35	1.2%	0.8%	0.4%	Free
4016.99.55	1.5%	1%	0.5%	Free
4016.99.60	1.5%	1%	0.5%	Free
5402.43.10	3%	2%	1%	Free

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Section (D). (con.)

HTS subheading	1995	1996	1997	1998
5402.43.90	3%	2%	1%	Free
5402.52.10	3%	2%	1%	Free
5402.52.90	3%	2%	1%	Free
5407.60.11	7.2¢/kg + 6.7%	4.8¢/kg + 4.5%	2.4¢/kg + 2.2%	Free
5407.60.19	7.2¢/kg + 6.7%	4.8¢/kg + 4.5%	2.4¢/kg + 2.2%	Free
5407.60.21	7.2¢/kg + 6.7%	4.8¢/kg + 4.5%	2.4¢/kg + 2.2%	Free
5407.60.29	7.2¢/kg + 6.7%	4.8¢/kg + 4.5%	2.4¢/kg + 2.2%	Free
5407.60.91	5.1%	3.4%	1.7%	Free
5407.60.99	5.1%	3.4%	1.7%	Free
5408.22.10	5.1%	3.4%	1.7%	Free
5408.22.90	5.1%	3.4%	1.7%	Free
5408.23.11	7.2¢/kg + 6.7%	4.8¢/kg + 4.5%	2.4¢/kg + 2.2%	Free
5408.23.19	7.2¢/kg + 6.7%	4.8¢/kg + 4.5%	2.4¢/kg + 2.2%	Free
5408.23.21	5.1%	3.4%	1.7%	Free
5408.23.29	5.1%	3.4%	1.7%	Free
5408.24.10	5.1%	3.4%	1.7%	Free
5408.24.90	5.1%	3.4%	1.7%	Free
5907.00.20	4.8%	3.2%	1.6%	Free
5907.00.40	4.8%	3.2%	1.6%	Free
5907.00.60	1.7%	1.1%	0.5%	Free
5907.00.80	1.7%	1.1%	0.5%	Free
6002.92.10	4.2%	2.8%	1.4%	Free
6002.92.90	4.2%	2.8%	1.4%	Free
6303.92.10	3.8%	2.5%	1.2%	Free
6303.92.90	3.8%	2.5%	1.2%	Free
6701.00.30	1.4%	0.9%	0.4%	Free
6701.00.60	1.4%	0.9%	0.4%	Free
7304.41.30	2.2%	1.5%	0.7%	Free
7304.41.60	2.2%	1.5%	0.7%	Free
7407.10.15	1.8%	1.2%	0.6%	Free
7407.10.30	1.8%	1.2%	0.6%	Free
7407.29.15	1.5%	1%	0.5%	Free
7407.29.30	1.5%	1%	0.5%	Free
8407.34.15	0.9%	0.6%	0.3%	Free
8407.34.45	0.9%	0.6%	0.3%	Free
8415.90.40	0.6%	0.4%	0.2%	Free
8415.90.80	0.6%	0.4%	0.2%	Free
8418.99.40	0.8%	0.5%	0.2%	Free
8418.99.80	0.8%	0.5%	0.2%	Free

Annex III (con.)
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Section (D). (con.)

HTS subheading	1995	1996	1997	1998
8422.90.06	1%	0.7%	0.3%	Free
8450.90.20	1.5%	1%	0.5%	Free
8450.90.40	1.5%	1%	0.5%	Free
8450.90.60	1.5%	1%	0.5%	Free
8482.99.05	3.3%	2.2%	1.1%	Free
8482.99.25	1.9%	1.3%	0.6%	Free
8482.99.35	3.3%	2.2%	1.1%	Free
8482.99.65	1.9%	1.3%	0.6%	Free
8503.00.35	3%	2%	1%	Free
8503.00.75	3%	2%	1%	Free
8507.20.40	1.5%	1%	0.5%	Free
8507.20.80	1.5%	1%	0.5%	Free
8507.30.40	1.5%	1%	0.5%	Free
8507.30.80	1.5%	1%	0.5%	Free
8509.90.05	1%	0.6%	0.3%	Free
8509.90.15	1%	0.6%	0.3%	Free
8516.90.35	1.1%	0.7%	0.3%	Free
8516.90.45	1.1%	0.7%	0.3%	Free
8516.90.90	1.1%	0.7%	0.3%	Free
8522.90.25	1.1%	0.7%	0.3%	Free
8522.90.35	1.1%	0.7%	0.3%	Free
8522.90.65	1.1%	0.7%	0.3%	Free
8522.90.75	1.1%	0.7%	0.3%	Free
8528.10.04	1.1%	0.7%	0.3%	Free
8528.10.08	1.5%	1%	0.5%	Free
8528.10.14	1.1%	0.7%	0.3%	Free
8528.10.18	1.5%	1%	0.5%	Free
8528.10.24	1.1%	0.7%	0.3%	Free
8528.10.28	1.5%	1%	0.5%	Free
8528.10.34	1.1%	0.7%	0.3%	Free
8528.10.38	1.5%	1%	0.5%	Free
8528.10.44	1.1%	0.7%	0.3%	Free
8528.10.48	1.5%	1%	0.5%	Free
8528.10.54	1.1%	0.7%	0.3%	Free
8528.10.58	1.5%	1%	0.5%	Free
8528.10.64	1.1%	0.7%	0.3%	Free
8528.10.68	1.5%	1%	0.5%	Free
8528.10.74	1.1%	0.7%	0.3%	Free
8528.10.78	1.5%	1%	0.5%	Free
8529.90.01	1.5%	1%	0.5%	Free
8529.90.03	1.5%	1%	0.5%	Free
8529.90.06	1.1%	0.7%	0.3%	Free
8529.90.13	1.1%	0.7%	0.3%	Free
8529.90.29	1.5%	1%	0.5%	Free
8529.90.33	1.5%	1%	0.5%	Free

Annex III (con.)
-98-

Section (D). (con.)

HTS subheading	1995	1996	1997	1998
8529.90.36	1.1%	0.7%	0.3%	Free
8529.90.39	1.1%	0.7%	0.3%	Free
8529.90.43	1.5%	1%	0.5%	Free
8529.90.46	1.1%	0.7%	0.3%	Free
8529.90.49	1.1%	0.7%	0.3%	Free
8529.90.53	1.1%	0.7%	0.3%	Free
8529.90.56	1.5%	1%	0.5%	Free
8529.90.59	1.1%	0.7%	0.3%	Free
8529.90.69	1.1%	0.7%	0.3%	Free
8529.90.83	1.1%	0.7%	0.3%	Free
8529.90.86	1.5%	1%	0.5%	Free
8529.90.89	1.1%	0.7%	0.3%	Free
8529.90.93	1.1%	0.7%	0.3%	Free
8535.90.40	1.5%	1%	0.5%	Free
8535.90.80	1.5%	1%	0.5%	Free
8536.30.40	1.5%	1%	0.5%	Free
8536.30.80	1.5%	1%	0.5%	Free
8536.50.40	1.5%	1%	0.5%	Free
8536.50.80	1.5%	1%	0.5%	Free
8538.90.20	1.5%	1%	0.5%	Free
8538.90.40	1.5%	1%	0.5%	Free
8538.90.60	1.5%	1%	0.5%	Free
8538.90.80	1.5%	1%	0.5%	Free
8540.11.10	4.5%	3%	1.5%	Free
8540.11.20	4.5%	3%	1.5%	Free
8540.11.30	4.5%	3%	1.5%	Free
8540.11.40	4.5%	3%	1.5%	Free
8540.11.50	4.5%	3%	1.5%	Free
8540.12.10	2.1%	1.4%	0.7%	Free
8540.12.20	2.1%	1.4%	0.7%	Free
8540.12.50	1.9%	1.3%	0.6%	Free
8540.12.70	1.9%	1.3%	0.6%	Free
8540.91.15	1.8%	1.2%	0.6%	Free
8540.91.50	1.8%	1.2%	0.6%	Free
8540.99.40	1.2%	0.8%	0.4%	Free
8540.99.80	1.2%	0.8%	0.4%	Free
8708.10.30	0.9%	0.6%	0.3%	Free
8708.10.60	0.9%	0.6%	0.3%	Free
8708.29.10	0.9%	0.6%	0.3%	Free
8708.29.15	0.9%	0.6%	0.3%	Free
8708.29.20	0.9%	0.6%	0.3%	Free
8708.29.50	0.9%	0.6%	0.3%	Free
8708.70.25	0.6%	0.4%	0.2%	Free
8708.70.35	0.6%	0.4%	0.2%	Free
8708.70.45	0.9%	0.6%	0.3%	Free

Annex III (con.)
-99-

Section (D). (con.)

HTS subheading	1995	1996	1997	1998
8708.70.60	0.9%	0.6%	0.3%	Free
8708.80.30	0.7%	0.5%	0.2%	Free
8708.80.45	0.7%	0.5%	0.2%	Free
8708.93.60	0.9%	0.6%	0.3%	Free
8708.93.75	0.9%	0.6%	0.3%	Free
8708.99.27	0.6%	0.4%	0.2%	Free
8708.99.31	0.6%	0.4%	0.2%	Free
8708.99.34	0.6%	0.4%	0.2%	Free
8708.99.37	0.6%	0.4%	0.2%	Free
8708.99.40	0.6%	0.4%	0.2%	Free
8708.99.43	0.6%	0.4%	0.2%	Free
8708.99.46	0.6%	0.4%	0.2%	Free
8708.99.49	0.6%	0.4%	0.2%	Free
8708.99.55	0.9%	0.6%	0.3%	Free
8708.99.58	0.9%	0.6%	0.3%	Free
8708.99.61	0.9%	0.6%	0.3%	Free
8708.99.64	0.9%	0.6%	0.3%	Free
8708.99.67	0.9%	0.6%	0.3%	Free
8708.99.70	0.9%	0.6%	0.3%	Free
8708.99.73	0.9%	0.6%	0.3%	Free
8708.99.80	0.9%	0.6%	0.3%	Free
9018.11.30	1.2%	0.8%	0.4%	Free
9018.11.60	1.2%	0.8%	0.4%	Free
9018.11.90	1.2%	0.8%	0.4%	Free
9022.90.05	0.6%	0.4%	0.2%	Free
9022.90.15	1.2%	0.8%	0.4%	Free
9022.90.25	0.6%	0.4%	0.2%	Free
9022.90.40	0.7%	0.5%	0.2%	Free
9022.90.60	0.6%	0.4%	0.2%	Free
9022.90.70	0.8%	0.5%	0.2%	Free
9022.90.95	1.2%	0.8%	0.4%	Free
9027.80.25	1.4%	0.9%	0.4%	Free
9027.80.45	1.4%	0.9%	0.4%	Free
9027.80.80	1.8%	1.2%	0.6%	Free
9030.90.25	1.4%	0.9%	0.4%	Free
9030.90.45	1.4%	0.9%	0.4%	Free
9030.90.65	1.4%	0.9%	0.4%	Free
9030.90.85	1.4%	0.9%	0.4%	Free

Annex III (con.)
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Section (D). (con.)

(2). On January 1, 1998, for the following subheadings, the Rates of Duty 1 Special subcolumn is modified by, for the rate in such subcolumn followed by the symbol "CA" in parentheses, deleting the symbol "CA" from the parentheses, and inserting in the parentheses following the "Free" rate in such subcolumn the symbol "CA" in alphabetical order.

2106.90.17
2106.90.18
2202.90.36
2202.90.37

Section (E). Effective with respect to products of Israel entered, or withdrawn from warehouse for consumption, on or after January 1, 1995.

(1). For the following subheadings, the Rates of Duty 1 Special subcolumn is modified by inserting in the parentheses following the "Free" rate in such subcolumn the symbol "IL" in alphabetical order.

0603.10.60	2005.70.22	2103.20.40	2908.20.20	7113.20.10	9813.00.25
0711.20.15	2005.70.25	2106.90.16	2908.90.40	7113.20.21	9813.00.30
0711.20.25	2005.70.50	2202.90.30	2909.30.07	7113.20.25	9813.00.35
0711.20.40	2005.70.60	2202.90.35	2917.39.17	7113.20.29	9813.00.40
0712.20.20	2005.70.70	2827.51.10	2925.19.10	9801.00.70	9813.00.45
0712.20.40	2005.70.75	2903.59.05	3303.00.20	9801.00.80	9813.00.50
0712.90.40	2005.70.81	2903.69.25	5101.11.10	9802.00.40	9813.00.55
0712.90.75	2005.70.83	2907.19.50	5101.19.10	9802.00.50	9813.00.60
1701.91.22	2009.11.00	2907.22.50	5101.21.10	9804.00.60	9813.00.65
2002.10.00	2009.19.25	2907.29.20	5101.29.10	9812.00.20	9813.00.70
2002.90.00	2009.19.45	2907.29.60	7113.11.10	9812.00.40	9813.00.75
2005.70.11	2009.20.20	2907.30.00	7113.19.10	9813.00.05	9814.00.50
2005.70.13	2009.20.40	2908.10.15	7113.19.21	9813.00.10	
2005.70.15	2009.30.40	2908.10.25	7113.19.25	9813.00.15	
2005.70.21	2009.30.60	2908.10.35	7113.19.29	9813.00.20	

(2). For the following subheadings, the Rates of Duty 1 Special subcolumn is modified by inserting a "Free (IL)" in such subcolumn.

1701.11.03
1701.12.02
1701.99.02
1702.90.32
1806.10.42
2106.90.12

Annex III (con.)
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Section (E). (con.)

(3). For the following subheadings, the Rates of Duty 1 Special subcolumn is modified by, for the rate in such subcolumn followed by the symbol "IL" in parentheses, deleting the symbol "IL" from the parentheses, and inserting in the parentheses following the "Free" rate in such subcolumn the symbol "IL" in alphabetical order.

2106.90.17
2106.90.18
2202.90.36
2202.90.37

(4). For each of the following subheadings, the Rates of Duty 1 Special subcolumn is modified by deleting the "(IL)" symbol and the rate preceding such symbol and inserting a "Free (IL)" in lieu thereof.

5402.43.10	5407.60.91	5408.23.21
5402.43.90	5407.60.99	5408.23.29
5407.60.11	5408.22.10	5408.24.10
5407.60.19	5408.22.90	5408.24.90
5407.60.21	5408.23.11	5907.00.20
5407.60.29	5408.23.19	5907.00.40

(5). For subheadings 8482.99.05 and 8482.99.35, the Rates of Duty 1 Special subcolumn is modified by deleting the "(IL)" symbol and the rate preceding such symbol and inserting in the parentheses following the "Free" rate in such subcolumn the symbol "IL" in alphabetical order.

(6). For subheadings 9802.00.60 and 9802.00.80, the Rates of Duty 1 Special subcolumn is modified by deleting the symbol "IL" in the parentheses following the rate in such subcolumn and inserting a "Free (IL)" in such subcolumn.

(7). For subheading 9901.00.50, the Rates of Duty 1 Special subcolumn is modified by deleting the symbol "IL" from the parentheses following the "No change" in such subcolumn and insert a "Free (IL)" in such subcolumn.

(8). For subheading 9901.00.52, the Rates of Duty 1 Special subcolumn is modified by deleting the symbol "IL" from the parentheses following the "No change" in such subcolumn and inserting in the parentheses following the "Free" rate in such subcolumn the symbol "IL" in alphabetical order.

federal register

Monday
December 20, 1993

Part VI

The President

Memorandum of December 15, 1993—Trade Agreements Resulting From the Uruguay Round of Multilateral Trade Negotiations

Federal Register
Vol. 58, No. 242
Monday, December 20, 1993

Presidential Documents

Title 3—

The President

THE WHITE HOUSE

WASHINGTON

December 15, 1993

MEMORANDUM FOR THE UNITED STATES TRADE REPRESENTATIVE

SUBJECT: Trade Agreements Resulting from the Uruguay Round of Multilateral Trade Negotiations

I have today sent the attached letters to the Speaker of the U.S. House of Representatives and the President of the Senate.

You are authorized and directed to publish this memorandum and its attachments in the **Federal Register**.

William J. Clinton

THE WHITE HOUSE

WASHINGTON

December 15, 1993

The Honorable Al Gore
President of the Senate
Office of the Vice President
S212 Capitol Building
Washington, D. C. 20510

Dear Mr. President:

I believe that we have created a unique opportunity to build an international trading system that will ensure the orderly and equitable expansion of world trade and contribute to the prosperity of the United States in coming generations. After seven long years the conclusion of the Uruguay Round of multilateral trade negotiations is at hand. The Round will result in the largest, most comprehensive set of trade agreements in history. With the conclusion of the Round, we will have successfully achieved the objectives that Congress set for the United States in the negotiations.

In accordance with section 1103(a)(1) of the Omnibus Trade and Competitiveness Act of 1988, as amended ("Act"), I am pleased to notify the House of Representatives and the Senate of my intent to enter into the trade agreements resulting from the Uruguay Round of multilateral trade negotiations under the auspices of the General Agreement on Tariffs and Trade. These agreements are listed and identified below and are more fully described in an attachment to this letter.

The United States can and must compete in the global economy. In many areas of economic activity we are already world leaders and we are taking measures at home to strengthen further our ability to compete. In section 1101 of the Act the Congress set as the first overall U.S. negotiating objective for the Uruguay Round more open, equitable and reciprocal market access. I am particularly pleased to advise you that the Uruguay Round results will provide an unprecedented level of new **market access** opportunities for U.S. goods and services exports. In the attachment to this letter is a summary description of the agreements on market access for goods and services that we have achieved in the Round. Of special note are the number of areas where we and our major trading partners have each agreed to reduce tariffs on goods to zero. The schedules of commitments reflecting market access in services cover a wide range of service sectors that are of great interest to our exporting community.

The **Agreement on Agriculture** will achieve, as Congress directed, more open and fair conditions of trade in agricultural commodities by establishing specific commitments to reduce foreign export subsidies, tariffs and non-tariff barriers and internal supports.

The **Agreement on Textiles and Clothing** provides for trade in textiles and apparel to be fully integrated into the GATT for the first time. As a result, trade in textiles will be subject to the same disciplines as other sectors. This transition will take place gradually over an extended period. At the same time, the agreement provides an improved safeguards mechanism. It also requires apparel exporting countries to lower specific tariff and non-tariff barriers, providing new market opportunities for U.S. exporters of textile and apparel goods. The agreement contributes to the achievement of the U.S. negotiating objectives of expanding the coverage of the GATT while getting developing countries to provide reciprocal benefits.

In fulfillment of the second overall U.S. negotiating objective, the reduction or elimination of barriers and other trade-distorting policies and practices, the Uruguay Round package includes a number of agreements to reduce or eliminate non-tariff barriers to trade. These agreements, which are described in the attachment, address **Safeguards, Antidumping, Subsidies and Countervailing Measures, Trade-Related Investment Measures, Import Licensing Procedures, Customs Valuation, Preshipment Inspection, Rules of Origin, Technical Barriers to Trade**, and **Sanitary and Phytosanitary Measures**. The agreements strengthen existing GATT rules and, for the first time in the GATT, discipline non-tariff barriers in the areas of investment, rules of origin and preshipment inspection. The agreements preserve the ability of the United States to impose measures necessary to protect the health and safety of our citizens and our environment and to enforce vigorously our laws on unfair trade practices.

The **Agreement on Government Procurement** will provide new opportunities for U.S. exporters as a result of the decision to expand the coverage of the agreement to government procurement of services and construction; we will, however, only extend the full benefits of the agreement to those countries that provide satisfactory coverage of their own procurement. Negotiations on improvements in the **Agreement on Trade in Civil Aircraft** and on a **Multilateral Steel Agreement** are continuing. These agreements should provide for more effective disciplines and reduce or eliminate trade-distorting policies and practices in two industries of importance to our economy. I will fully consult with the Congress throughout these negotiations, and plan to enter into these agreements if the negotiations produce results that are acceptable to the United States.

As a result of the **Agreement on Trade-Related Intellectual Property Rights (TRIPS)** and the **General Agreement on Trade in Services (GATS)**, we will now have for the first time internationally agreed rules covering areas of trade of enormous importance to the United States. These agreements represent a major step forward in establishing a more effective system of international trading disciplines and procedures. GATS contains legally enforceable provisions dealing with both cross-border trade and investment in services and sectoral annexes on financial services, labor movement, telecommunications and aviation services. More than 50 countries have submitted schedules of commitments on market access for services. The TRIPs agreement provides for the establishment of standards for the protection of a full range of intellectual property rights and for the enforcement of those standards both internationally and at the border.

The Uruguay Round has produced a number of other agreements that will create a more effective system of international trading disciplines and procedures.

The **Understanding on Rules and Procedures Governing the Settlement of Disputes** will provide for a more effective and expeditious dispute resolution mechanism and procedures which will enable better enforcement of United States rights. Congress identified the establishment of such a system as the first principal U.S. trade negotiating objective for the Round. The procedures complement U.S. laws for dealing with foreign unfair trade practices such as section 301 of the Trade Act of 1974.

The **Agreement Establishing the World Trade Organization** will facilitate the implementation of the trade agreements reached in the Uruguay Round by bringing them under one institutional umbrella, requiring full participation of all countries in the new trading system and providing a permanent forum to address new issues facing the international trading system. The WTO text recognizes the importance of protecting the environment while expanding world trade; negotiators have also agreed to develop a work program on trade and the environment and will recommend an appropriate institutional structure to carry out this work program. Creation of the WTO will contribute to the achievement of the second principal U.S. negotiating objective of improving the operation of the GATT and multilateral trade agreements.

The U.S. objective of improving the operation of the GATT is also furthered by a number of understandings, decisions and declarations regarding the GATT and its operations. The **Trade Policy Review Mechanism** will enhance surveillance of members' trade policies. The **Understandings Concerning Interpretation of Specific Articles of the General Agreement on Tariffs and Trade 1994 (GATT 1994)** concern the Interpretation of Articles II:1(b), XVII, XXIV, XXVIII and XXXV, and Balance-of-Payments Provisions. There is also an **Understanding in respect of Waivers of Obligations Under the General Agreement on Tariffs and Trade 1994**.

The **Ministerial Decisions and Declarations** state the views and objectives of Uruguay Round participants on a number of issues relating to the operation of the global trading system, provide for the continuation of the improvements to the dispute settlement system that became effective in 1989 and deal with other matters concerning the dispute settlement system. The Ministerial Decisions and Declarations that are now proposed for adoption are described in the attachment. At this time, implementing legislation does not appear to be necessary for these instruments.

I will continue to consult closely with the Congress as we conclude the Round. There are a few areas of significance that we were unable to resolve at this time. In order to ensure more open, equitable and reciprocal market access, in certain agreements we have made U.S. obligations contingent on receiving satisfactory commitments from other countries, and we will continue to work to ensure that the best possible agreement for the United States is achieved. I will not enter into any agreement unless I am satisfied that U.S. interest are protected. With regard to entertainment issues, we were unable to overcome our differences with our major trading partners, and we agreed to disagree. We will continue to negotiate, however, and until we reach a satisfactory agreement, we think we can best advance the interests of our entertainment industry by reserving all our legal rights to respond to policies that discriminate in these areas.

In accordance with the procedures in the Act, the United States will not enter into the agreements outlined above until April 15, 1994. After the agreements have been signed, they will be submitted for Congressional approval, together with whatever legislation and administrative actions may be necessary or appropriate to implement the agreements in the United States. The agreements will not take effect with respect to the United States, and will have no domestic legal force, until the Congress has approved them and enacted any appropriate implementing legislation.

Sincerely,

William Clinton

Editorial note: An identical letter was sent to the Honorable Thomas S. Foley, Speaker of the House of Representatives.

EXECUTIVE SUMMARY
RESULTS OF THE GATT URUGUAY ROUND
OF MULTILATERAL TRADE NEGOTIATIONS

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1. MARKET ACCESS FOR GOODS

U.S. Objectives

The primary objective of the United States in the Uruguay Round industrial market access negotiations was to open the markets of our major trading partners to U.S. exports through the reduction and/or elimination of tariffs and nontariff measures. The United States also sought to obtain commercially meaningful increases in access to markets of developing countries and to obligate these countries to make substantial tariff bindings.

Results

The United States achieved substantially all of its major objectives in the industrial goods market access negotiations. As a result, increased market access opportunities will be available to U.S. exporters of industrial goods. The tariff agreements reached during the negotiations will be reflected in the tariff schedules of the participants. We intend to pursue further market access commitments prior to the February 15, 1994 deadline for submission of final schedules.

Key Provisions

Key provisions of the market access for goods agreement include:

o The elimination of tariffs in major industrial markets, and significantly reduced or eliminated tariffs in many developing markets, in the following areas:

  -- Construction Equipment
  -- Agricultural Equipment
  -- Medical Equipment
  -- Steel
  -- Beer
  -- Distilled spirits
  -- Pharmaceuticals
  -- Paper
  -- Toys
  -- Furniture

o Deep cuts ranging from 50 - 100 percent on important electronics items (e.g., semiconductors, computer parts, semiconductor manufacturing equipment) by major U.S. trading partners;

o Harmonization of tariffs by developed and major developing countries in the chemical sector at very low rates (0, 5.5 and 6.5 percent); and

o Significantly increased access to markets which represent approximately 85 percent of world trade in terms of reduced tariffs on specific items of key interest to U.S. exporters.

In general, most tariff reductions will be implemented in equal annual increments over 5 years. Some tariffs, particularly in sectors where duties will fall to zero, such as pharmaceuticals, will be eliminated when the agreement enters into force. Other tariffs, particularly in sensitive sectors, including some sensitive sectors for the United States, will be phased-in over a period of up to ten years. The agreement is scheduled to go into force on July 1, 1995.

As part of the United States offer, many non-controversial duty suspensions introduced in the 102nd Congress, as well as many introduced in the 103rd Congress, were made permanent. Implementation of these reductions will occur on entry into force of the Agreement.

The final result on wood and certain non-ferrous metals is subject to further negotiation. Based on concessions granted thus far, the United States intends to pursue duty elimination in these sectors.

The schedule for finalizing the results of the market access negotiations requires governments to submit draft final schedules on or before February 15, 1994, and final schedules by March 31, 1994. A process of verification and rectification is required. Additionally, the United States intends to encourage other partners that have not yet done so to improve existing offers to match the U.S. contribution.

2. AGRICULTURE

U.S. Objectives

The principal U.S. negotiating objective in agriculture was to achieve more open and fair conditions of trade in agricultural commodities. Specific objectives included:

- strengthening and clarifying rules for agricultural trade, including introducing disciplines on trade-distorting import and export practices and resolving questions pertaining to export subsidies;
- reducing and eliminating constraints to market access such as tariffs, quotas and other nontariff import barriers;
- reducing or eliminating the subsidization of agricultural production; and
- increasing U.S. agricultural exports.

Results

The Uruguay Round agreement on agriculture strengthens long-term rules for agricultural trade and assures the reduction of specific policies that distort agricultural trade. U.S. agricultural exports will benefit significantly from the reductions in export subsidies and the market openings provided by the agriculture agreement.

The United States was successful in its effort to develop meaningful rules and explicit reduction commitments in each area of the negotiations: export subsidies, domestic subsidies and market access. For the first time, agricultural export subsidies and trade-distorting domestic farm subsidies are subject to explicit multilateral disciplines, and must be bound and reduced. In the area of market access, the United States was successful in achieving the principle of comprehensive tariffication which will lead to the removal of import quotas and all other non-tariff import barriers. Under tariffication, protection provided by non-tariff import barriers is replaced by a tariff and minimum or current access commitments are required. For the first time, all agricultural tariffs (including the new tariffs resulting from tariffication) are bound and reduced.

Key Provisions

Time frame: Reduction commitments will be phased in during an implementation period of 6 years for developed countries and 10 years for developing countries. Negotiations for continuing the reform process, including further reduction commitments, begin in the fifth year of the implementation period.

Export subsidies: At the end of the implementation period, budgetary outlays for export subsidies must be reduced by 36 percent and quantities exported with export subsidies cut by 21 percent from a 1986-90 base period. The starting point for the reductions may be a more recent time period if certain conditions are met. The reduction commitments are applied to specific products or product groups, e.g., wheat and wheat flour, coarse grains, oilseeds, skim milk powder, sugar, etc.

Market access: Non-tariff import barriers such as variable levies, import bans, voluntary export restraints and import quotas, including those under Section 22 of the Agricultural Adjustment Act, are subject to the tariffication requirement. For products subject to tariffication, current access opportunities must be maintained and minimum access commitments may be required. Generally, a tariff-rate quota is used to fulfill these obligations. Minimum access commitments are required when imports are below 5 percent of domestic consumption levels. If import barriers are immediately replaced by a tariff, imports under minimum access are 3 percent of domestic consumption initially, growing to 5 percent over the implementation period. Otherwise, special rules relating to minimum access requirements are contained in the text which two countries plan to use for rice. Special quantity and price-based safeguards are available for products subject to tariffication. Existing tariffs and new tariffs resulting from tariffication will be reduced by 36 percent on average (24 percent for developing countries) with a minimum reduction of 15 percent for each tariff line item (10 percent for developing countries). All tariffs will be bound.

Internal support: Trade-distorting farm subsidies must be bound and reduced by 20 percent from 1986-88 base period levels, allowing credit for farm support reductions undertaken since 1986. A measure of total support across all commodities will be used to implement the reduction commitment. Direct payments that are linked to production-limiting programs will not be subject to the reduction commitment if certain conditions are met. Domestic support programs meeting criteria designed to insure that the programs have no or minimal trade distorting or production effects ("green box") also are exempted from reduction commitments. Due to the farm support reductions contained in the 1985 and 1990 Farm Bills, the United States has already met the 20 percent requirement and will not need to make additional changes to farm programs to comply with the Uruguay Round commitments.

Rules: Internal support measures and export subsidies that fully conform to reduction commitments and other criteria will not be subject to challenge for nine years on grounds such as serious prejudice in third country markets or non-violation nullification and impairment. However, subsidized imports will continue to be subject to U.S. countervailing duty procedures, except for domestic support meeting the "green box" criteria, which will be exempt from countervailing duty actions for nine years.

3. TEXTILES AND CLOTHING

U.S. Objectives

The negotiating mandate for textiles and clothing was to formulate modalities that would permit the eventual integration of the textile and clothing sector into the GATT on the basis of strengthened rules and disciplines. The United States sought to negotiate an integration package that would be implemented gradually, provide protection in the event of damaging surges during the transition period, provide stability for trade in the sector, and open foreign markets to textile and clothing trade for the benefit of U.S. producers and workers.

Results

The Uruguay Round Agreement on Textiles and Clothing contains an agreed schedule for the gradual phase-out of quotas established pursuant to the Multifiber Arrangement (MFA) over a ten-year transition period, after which textile and clothing trade will be fully integrated into the GATT and subject to the same disciplines as other sectors. The Agreement provides for expanded trade, improved market access and improved safeguard mechanisms.

Key Provisions

Safeguards: During the transition period, the agreement provides an improved safeguards mechanism (compared to safeguards in the MFA) for setting quotas on uncontrolled trade and to protect the market against damaging surges in imports. In the safeguards text, the agreement firmly embeds the concept of cumulative damage to domestic industry and permits an importing country to set quotas on countries that are contributing to that damage. In addition, the agreement contains stronger terms than the MFA for dealing with quota circumvention, such as illegal transshipments through countries not subject to quotas.

Product Integration: The agreement also provides for expanding trade during the transition, in that products adding up to a certain percentage of a country's imports must be integrated into the GATT. Product integration and an increase of current quota growth rates will both occur in three stages. Each importing country can choose the products at each stage, and therefore can consider the particular sensitivity of each product proposed. The transitional textile safeguard mechanism will not apply to products that are integrated, and any quotas on such products will be eliminated.

Improved Market Access: The agreement sets out that all countries, developed and developing alike, must achieve improved market access in textiles and clothing "through such measures as tariff reductions and bindings, and reduction or elimination of non-tariff barriers". Substantial gains have been achieved in the market access negotiations relating to textiles and clothing. Specifically, many countries have agreed to comprehensive bindings in the sector at reasonable tariff rates. This means no tariff can be increased beyond the bound level, without compensation. Substantial results have been achieved in obtaining the elimination or disciplining of non-tariff measures, such as discretionary licensing systems or import bans, affecting trade in the sector.

Remedies: The agreement has provisions for remedies against violations of market access commitments. First, tariff concessions on textile and clothing products may be withdrawn on items of specific interest to a given country. Second, the agreement provides a process to deny quota growth rate increases to countries that have not fulfilled their commitments on market access. Either of these provisions could be invoked if, during the period leading up to final signature, key countries such as India fail to improve the terms of the agreement for the United States.

Tariffs: United States tariff cuts on textile and clothing products have been of concern to the U.S. industry. Tariff concessions in this negotiation have been kept to a minimum, and particular product sensitivities have received consideration. As compared to the U.S. offer on all industrial products to reduce tariffs by 34 percent, the U.S. offer proposes to reduce textile and clothing tariffs by approximately 12 percent overall.

Disciplines: All GATT contracting parties will be subject to the disciplines of the Agreement on Textiles and Clothing, whether or not they were signatories to the MFA. China, although a member of the MFA, will not be permitted to sign this agreement until it becomes a member of the GATT, and, until then, will not be the beneficiary of any quota liberalization by the United States.

Finally, the agreement establishes the Textile Monitoring Body (TMB) to supervise implementation of the agreement. This replaces the Textile Surveillance Body (TSB). Any disputes related to implementation will be heard by the TMB.

4. SAFEGUARDS

U.S. Objectives

The principal of negotiation objectives of the United States regarding safeguards were:

- to improve and expand rules and procedures covering safeguard measures;
- to ensure that safeguard measures are transparent, temporary, degressive and subject to review and termination when no longer necessary; and
- to require notification and monitoring of import relief actions for domestic industries.

Results

The agreement incorporates many concepts long included in U.S. safeguards law -- Section 201 of the Trade Act of 1974 -- ensuring that all countries will use comparable rules and procedures (consistent with U.S. domestic legislation and procedures) when taking safeguard actions.

Key Provisions

The agreement provides for suspending the automatic right to retaliate for the first three years of a safeguard measure; thus providing an incentive for countries to use GATT safeguard rules when import-related, serious injury problems occur.

The agreement requires that existing Voluntary Restraint Agreements (VRA) be phased out within four years, but allows each country one "grandfathered" exception under extraordinary circumstances (e.g., the EC-Japan auto VRA) which can continue until 1999.

Other provisions relating to safeguards actions include:

o an 8 year maximum duration for an action;

o a requirement for a transparent, public process for making injury determinations, including:

-- a public hearing or comparable opportunity to present views and challenge those of others, and

-- a published report, giving detailed analysis of the reasons for the decision;

o degressivity (the requirement that any action taken be steadily liberalized over its lifetime);

o criteria for injury determinations clearly defined;

o a provision to discourage repeated application of safeguard measures on the same product; and

o recognition of the right to take special safeguard measures for perishable products such as agricultural and horticultural goods.

5. ANTIDUMPING

U.S. Objectives

The principal negotiating objective of the United States regarding antidumping was to improve GATT provisions to define, deter, discourage the persistent use of, and otherwise discipline dumping practices, including dumping practices not adequately covered by the 1979 Antidumping Code. In the antidumping negotiations, the United States sought increased disciplines on injurious dumping and improved transparency and due process in antidumping proceedings. The United States also sought to ensure that the antidumping rules continue to provide an effective tool to combat injurious dumping.

Results

The new agreement achieves U.S. objectives. Furthermore, it balances the interests of U.S. industries that use U.S. antidumping laws to combat unfair trade practices in the domestic market and those of U.S. exporters that are subject to unfair administrative practices in foreign antidumping investigations.

Key Provisions

Transparency: The transparency and due process requirements proposed by the United States were accepted in their entirety. For example, the agreement requires investigating authorities to provide public notice and written explanations of their actions. These new requirements should benefit U.S. exporters by improving the fairness of other countries' antidumping regimes.

Diversionary dumping: The new agreement does not limit U.S. discretion to discipline diversionary dumping. There is no explicit reference to anti-circumvention in the text of the agreement. However, a ministerial declaration accompanying the agreement recognizes the problem of circumvention and the need to develop uniform anti-circumvention rules in the future. Thus, the agreement does not inhibit the application of current U.S. anti-circumvention provisions.

Effect on U.S. Laws: Although the new agreement will require some changes in existing U.S. antidumping law, these changes will not weaken U.S. trade laws. To the contrary, the new agreement incorporates important aspects of U.S. antidumping practice not previously recognized under the 1979 Antidumping Code. These fundamental aspects of U.S. antidumping practice are now immune from GATT challenge.

-- For example, the agreement expressly authorizes the International Trade Commission's "cumulation" practice of collectively assessing injury due to imports from several different countries and the Department of Commerce's practice of disregarding below costs sales, if they are substantial, in determining fair value for export sales.

Methodology: In comparison to the 1979 Antidumping Code, the new agreement defines in much greater detail the methodology investigating authorities may apply in conducting antidumping investigations. These methodological definitions will add valued predictability to all antidumping practices.

-- For example, the agreement defines "de minimis margins" and "negligible imports" for purposes of terminating investigations. These definitions will protect U.S. exporters from harassing investigations and provide guidance to domestic industries when deciding which countries to include in a petition.

Dispute Settlement: In accordance with U.S. negotiating objectives, disputes between GATT members on dumping matters will be settled by binding dispute settlement. Dispute settlement panels will apply an explicit standard of review when reviewing agency determinations. The addition of an explicit standard of review is, without doubt, the most important aspect of the new antidumping agreement. It will enable the United States to continue enforcing U.S. antidumping laws, and, at the same time, give U.S. exporters a useful tool to correct impermissible actions by foreign antidumping authorities.

-- The standard of review acknowledges that there may be more than one permissible interpretation of the agreement or facts and requires panels to defer to permissible interpretations by GATT members.

6. SUBSIDIES AND COUNTERVAILING MEASURES

U.S. Objectives

U.S. negotiating objectives in the subsidies negotiations were to:

- clarify and strengthen multilateral subsidy rules and disciplines,
- extend the application of disciplines to unfair practices not adequately covered by existing rules (e.g., resource input subsidies and export targeting practices), maintain the effectiveness of the U.S. countervailing duty law, and
- elevate the level of obligations imposed upon developing countries, at least in those areas where they are globally competitive. Many other countries, while interested in clarifying multilateral subsidy rules, were also intent on restricting the application of countervailing duty remedies and in protecting certain forms of subsidies from any type of trade action.

Results

The new agreement strikes a balance between these various interests, establishing clearer rules and stronger disciplines in the subsidies area while also making certain subsidies non-actionable, provided they are subject to conditions designed to limit distortive effects.

Key Provisions

Definition of Subsidy: The Agreement creates three categories of subsidies and remedies: (1) prohibited subsidies; (2) permissible subsidies which are actionable multilaterally and countervailable unilaterally if they cause adverse trade effects; and (3) permissible subsidies which are non-actionable and non-countervailable if they are structured according to criteria intended to limit their potential for distortion. The Agreement, for the first time in GATT, defines a subsidy (on the basis of a "financial contribution" which confers a benefit) and the conditions which must exist in order for a subsidy to be actionable (i.e., U.S. rules on "specificity").

Prohibited Subsidies: The Agreement prohibits export subsidies, including de facto export subsidies, and subsidies contingent upon the use of local content. It also makes operational the rules for demonstrating when the use of subsidies by a country has adversely affected another country's trade interests through price or volume/market share effects (i.e., "serious prejudice"), and creates an obligation to withdraw the subsidy or remove the adverse effects when such effects are identified. The Agreement establishes a presumption of serious prejudice in situations where the total ad valorem subsidization of a product exceeds 5 percent (calculated on the basis of the cost to the subsidizing government of granting the subsidies), or when subsidies are provided for debt forgiveness or to cover a firm's or an industry's operating losses.

Non-actionable Subsidies: Subject to specific, limiting criteria, the Agreement makes the following types of subsidies non-actionable: (1) certain government assistance for industrial research and pre-competitive development activity, (2) certain government assistance for regional development, and (3) certain government assistance to adapt existing plant and equipment to new environmental requirements.

Government assistance for industrial research and development is non-actionable if the assistance for "industrial research" is limited to 75 percent of eligible research costs and the assistance for "pre-competitive development activity" (equivalent to applied research and development activities essentially through the creation of the first, non-commercial prototype) is limited to 50 percent of eligible costs.

In addition, government assistance for regional development is non-actionable to the extent that the assistance is provided within regions that are determined to be disadvantaged on the basis of neutral and objective criteria and the assistance is not targeted to a specific industry or group of recipients within eligible regions. Finally, government assistance to meet environmental requirements is non-actionable to the extent that it is limited to a one-time measure equivalent to 20 percent of the costs of adapting existing facilities to new standards and does not cover any manufacturing cost savings which may be achieved.

Both the non-actionable subsidy provisions and the provisions establishing a rebuttable presumption of serious prejudice will expire automatically 5 years after the entry into force of the agreement, unless it is decided to continue them in current or modified form.

Other provisions: The Agreement makes CVD rules more precise, and in many cases reflects U.S. practice and methodologies. For example, for the first time, GATT rules will explicitly recognize U.S. "benefit-to-the-recipient" calculation methodologies in order to determine the "benefit conferred" by subsidies in CVD cases.

The Agreement imposes multilateral subsidy disciplines on developing countries although subject to certain derogations. A framework has been established for the gradual elimination of export subsidies and local content subsidies maintained by developing countries. Moreover, export subsidies used in a given product sector must be phased out over 8 years (for least developed countries) or 2 years (for other developing countries) whenever the country's share of world trade in that sector reaches 3.25 percent during 2 consecutive years.

7. TRADE-RELATED INVESTMENT MEASURES

U.S. Objectives

The principal trade negotiating objective of the United States regarding trade-related investment measures (TRIMs) was to reduce or eliminate the trade distortive effects of certain trade-related investment measures.

Results

The Agreement prohibits local content and trade balancing requirements. This prohibition will apply whether the measures are mandatory or are required in return for an incentive/advantage. A transition period of 5 years will be afforded for developing countries to eliminate existing prohibited measures, but only if they notify the GATT regarding each specific measure. Only two years is provided for developed countries. (Investment issues are also dealt with in the General Agreement on Trade in Services.)

Key Provisions

Prohibition of TRIMs: The TRIMs agreement reinforces GATT obligations by providing (1) that no party shall apply TRIMs that are inconsistent with the GATT and (2) an illustrative list of prohibited measures, specifically identifying local content requirements and trade balancing requirements as falling within this prohibition. These measures are prohibited whether they are mandatory conditions on investment or are required in return for an incentive/advantage.

Notification and Transition: A transition period of 5 years is provided for developing countries (2 years for developed countries) to eliminate prohibited TRIMs. The transition period is 7 years for the least developed countries. To be eligible for the transition period, parties must notify the GATT regarding each specific measure.

Competitive Disadvantage: The Agreement includes a provision that permits countries to place a TRIM on a new firm for the duration of the relevant transition period where necessary to avoid disadvantaging existing investments that are subject to a TRIM. This is a point that is of particular importance to U.S. firms that are currently burdened by TRIMs.

Investment and Competition Policy: Not later than 5 years after entry into force there will be a review of the operation of the Agreement. As part of this review, the WTO Council for Trade in Goods will consider whether the Agreement should be complimented with provisions on investment policy and competition policy.

8. IMPORT LICENSING PROCEDURES

U.S. Objectives

The objectives of the United States regarding the Agreement on Import Licensing Procedures were to tighten the definitions and disciplines in the Agreement with regard to automatic and non-automatic licensing and to provide for a number of procedural improvements.

Results

The Agreement more precisely defines automatic and non-automatic licensing.

Key Provisions

Licensing Requirements: For signatories maintaining licensing requirements and procedures, changes in license application procedures for both automatic and non-automatic licenses must be published at least 21 days prior to implementation of the change in procedure. The time period available to importers for submission of license applications must be at least 21 days, with provisions for extensions in certain cases.

Non-Automatic Licenses: Non-automatic licensing procedures must intensify the measures they are designed to implement and cannot be more administratively burdensome than absolutely necessary. The processing of individual applications for non-automatic licenses must be completed within a period of 30 days, and within 60 days if all applications are considered simultaneously.

New Procedures: Signatories that institute new licensing procedures or change existing procedures must notify the Import Licensing Committee of the action within 60 days and include information covering:

- products subject to licensing,
- points of contact for information on licensing,
- the administrative body for submission of applications for licensing,
- where licensing procedures are published,
- whether the procedure is automatic or non-automatic,
- the administrative purpose of automatic licensing,
- the measure being implemented through non-automatic licensing, and
- the expected duration of the procedure, if known.

If a signatory adopts new licensing procedures or changes existing licensing procedures and does not report those changes to the Committee, another signatory may report the actions.

9. CUSTOMS VALUATION

U.S. Objectives

The objectives of the United States concerning the Customs Valuation Code (Code) were to improve the capabilities of and clarify the rights and obligations of customs administrations in investigating and taking action against fraudulent customs declarations, to ensure that bilateral agreements reached did not undermine or weaken the existing obligations of the Code and to try to increase the membership of developing countries in the Code.

Results

The negotiations resulted in three amendments to the Code which will:

- further clarify the rights and obligations of both importing and exporting countries in cases of suspected fraud;

- o instruct the Customs Valuation Committee to accord sympathetic consideration to requests to retain officially established minimum values under paragraph 3 of the Protocol to the Agreement on Implementation of Article VII of the GATT; and

- o encourage developing countries, with the assistance of the Brussels-based Customs Cooperation Council, to undertake studies in areas of concern relating to the valuation of goods imported by sole agents, sole distributors and sole concessionaires.

10. PRESHIPMENT INSPECTION

U.S. Objectives

The principal objectives of the United States in negotiating the Agreement on preshipment inspection were to regulate the activities of Preshipment Inspection ("PSI") companies and to reduce or eliminate the impediments to international trade for U.S. exporters resulting from the use of such companies by developing countries to supplement or replace national customs services. A third objective was to set up a dispute settlement mechanism to resolve disputes quickly between PSI companies and exporters.

Results and Key Provisions

The Agreement provides that user countries ensure:

- o that the activities of PSI companies be carried out on a non-discriminatory basis for all exporters;

- o that quantity and quality inspections are in accordance with the purchase agreement or with international standards;

- o that price verification activities be conducted according to prescribed guidelines which include providing the exporter with opportunities to explain his price;

- o that inspection operations be performed in a transparent manner and exporters be immediately informed of all procedural requirements necessary to obtain a clean report of findings;

- o that PSI companies maintain procedures that treat all business information not in the public domain as confidential;

- o that procedures be maintained to preclude conflict-of-interest relationships between a PSI company and other entities;

- that unreasonable delays be avoided; and a guideline of five working days be established for PSI companies to provide a clean report of findings or a detailed explanation of why not;
- that, if requested by the exporter, a preliminary verification of price be undertaken by the PSI company based only on the contract and the pro forma invoice; and
- that PSI companies set up an appeals procedure to make decisions concerning grievances raised by exporters.

In addition, the Agreement establishes a review procedure to expedite the resolution of grievances or disputes that cannot be resolved bilaterally. The review will be administered by an "independent entity," under the joint supervision of the International Chamber of Commerce and the International Federation of Inspection Agencies, which will establish panels to review disputes. The decision of the panel will be binding on the parties to the dispute.

11. RULES OF ORIGIN

U.S. Objectives

The U.S. objective in pursuing an Agreement on Rules of Origin was to develop a multilateral and harmonized set of rules for the determination of the origin of goods that would afford greater predictability for U.S. exporters, importers and manufacturers in the international trading environment.

Results

The Agreement establishes a three-year work program to harmonize rules of origin among the GATT contracting parties. The results of this work program will be annexed as an integral part of the Agreement. The Agreement establishes a GATT Committee on Rules of Origin and a Customs Cooperation Council Technical Committee on Rules of Origin. These committees are to develop, within three years, detailed definitions on which to base harmonized rules of origin.

Key Provisions

Disciplines: The Agreement sets out the disciplines that the contracting parties intend to be applied as a result of the achievement of harmonized rules of origin. Some of these disciplines are:

- rules of origin applied to imports and exports shall not be more stringent than rules of origin applied to domestic goods;

- rules of origin shall be administered in a consistent, uniform, impartial and reasonable manner;

- requests for assessment of origin of a good shall be issued not later than 150 days of a request, and such assessments shall remain valid for three years;

- changes in rules of origin, or new rules of origin, shall not be applied retroactively; and

- any information provided on a confidential basis for the purpose of application of rules of origin is to be treated as strictly confidential by the authorities concerned.

Transition Rules: The Agreement provides for similar disciplines to be observed during the three year work program to harmonize non-preferential rules of origin. That work program is likely to begin in the Spring of 1994. During this transition period, criteria used to establish origin must precisely and specifically define the requirements to be met. These rules of origin are not to be used to influence trade or to create distortions or restrictions of trade. In addition, contracting parties are required to publish changes to their rules of origin at least sixty days before such changes come into effect.

12. TECHNICAL BARRIERS TO TRADE

U.S. Objectives

The principal negotiating objective of the United States was to improve the 1979 Agreement on Technical Barriers to Trade (TBT) and expand country participation in the TBT.

Results

The new Agreement improves the rules respecting standards, technical regulations and conformity assessment procedures. Furthermore, every country that is a Member of the new World Trade Organization will be required to adhere to the new TBT Agreement.

Key Provisions

Standards and Technical Regulations: The new TBT ensures that each country has the right to establish and maintain standards and technical regulations for the protection of human, animal and plant life and health and of the environment and for prevention against deceptive practices. The Agreement provides that each country may determine its appropriate level of protection and ensures that the encouragement to use international standards will not result in downward harmonization. Standards and regulations may specify product characterisitcs and related processes and production methods. At the same time, it ensures that product standards and related procedures do not create unnecessary obstacles to trade.

Conformity Assessment Procedures: The Agreement covers the range of conformity assessment procedures (e.g., registration, inspection, laboratory accreditation) used to determine conformance to a technical regulation or standard. Disciplines concerning the acceptance of results of conformity assessment procedures by another country have also been improved. Finally, it enhances the ability of a foreign-based laboratory or firm to gain recognition under another country's laboratory accreditation, inspection or quality system registration scheme.

Other Rules: The Agreement guarantees the transparency of product standards creation and related procedures by requiring advance notice and opportunity for comment. The Agreement establishes a Committee on Technical Barriers to Trade that provides a framework for avoiding and resolving disputes.

13. SANITARY AND PHYTOSANITARY MEASURES

U.S. Objectives

A principal negotiating objective of the United States was the elimination of unjustified sanitary and phytosanitary restrictions on agricultural trade, without impairing the right of the United States or the states to establish and apply appropriate measures to protect public health and control plant and animal pests and diseases.

Results

The Agreement on the Application of Sanitary and Phytosanitary ("S&P") Measures establishes rules and disciplines for the development and application of S&P measures -- i.e., measures taken to protect human, animal or plant life or health in the areas of food safety and agriculture. These new rules and disciplines will guard against the use of unjustified S&P measures against U.S. agricultural exports. At the same time, U.S. animal and plant health measures and food safety requirements are protected.

Key Provisions

S&P measures include a wide range of health protection measures, for example, quarantine procedures, food processing and production measures, meat slaughter and inspection rules, and procedures for approval of food additives or for the establishment of pesticide tolerances.

The S&P agreement clearly recognizes and acknowledges the sovereign right of each country to establish laws, regulations and requirements necessary to protect life and health, but specifies rules and disciplines intended to prevent a contracting party from using S&P measures as disguised barriers to trade.

The agreement requires that a government's S&P measures be based on scientific principles and sufficient scientific evidence (while explicitly permitting governments to act on a provisional basis where relevant scientific evidence is insufficient). A government may determine whatever level of health protection it deems appropriate for its population, but must avoid arbitrary or unjustifiable distinctions in the levels it deems appropriate if this would discriminate between imported products and domestic products or create a disguised barrier to trade.

The agreement generally requires the use of international standards as a basis for S&P measures, but each government remains free to adopt an S&P measure more stringent than the relevant international standard where the more stringent measure is based on available scientific evidence and risk assessment as provided in the Agreement or where it is the consequence of the level of protection that the government has determined is appropriate.

The agreement also ensures increased transparency in the process of establishing S&P measures by requiring advance notice and opportunity for comment and national inquiry points.

14. SERVICES

U.S. Objectives

The principal trade negotiating objectives of the United States regarding trade in services were:

o to reduce or to eliminate barriers to, or other distortions of, international trade in services, including barriers that deny national treatment and restrictions on establishment and operation in such markets;

o to develop internationally agreed rules, including dispute settlement procedures, which will reduce or eliminate such barriers or distortions, and help ensure fair, equitable opportunities for foreign markets; and

- to pursue these objectives while taking into account legitimate U.S. domestic objectives including, but not limited to, the protection of legitimate health or safety, essential security, environmental, consumer or employment opportunity interests and the law and regulations in those areas.

Results

The General Agreement on Trade in Services (GATS) is the first multilateral, legally enforceable agreement covering trade and investment in the services sectors. The GATS also provides a specific legal basis for future negotiations aimed at eliminating barriers that discriminate against foreign services providers and deny them market access.

Key Provisions

Framework: The principal elements of the GATS framework agreement include most-favored-nation (MFN) treatment, national treatment, market access, transparency and the free flow of payments and transfers. The rules embodied in the framework are augmented by sectoral annexes dealing with issues affecting financial services, movement of personnel, enhanced telecommunications services and aviation services.

Schedules: Complementing the framework rules and annexes are binding commitments to market access and national treatment in services sectors that countries schedule as a result of bilateral negotiations. In order to fulfill the market access and national treatment provisions of the GATS, each government has submitted a schedule of market access commitments in services which will become effective upon entry into force of the GATS. Countries are also permitted to take one-time exemptions from the most-favored-nation provision in the GATS.

Schedules of commitments include horizontal measures such as commitments regarding movement of personnel and service providers. The schedules also include commitments in specific sectors, such as: professional services (accounting, architecture, engineering), other business services (computer services, rental and leasing, advertising, market research, consulting, security services), communications (value-added telecommunications, couriers, audio-visual services), construction, distribution (wholesale and retail trade, franchising), educational services, environmental services, financial services (banking, securities, insurance), health services and tourism services. Maritime and civil aviation commitments were also scheduled by a small number of countries.

National Treatment: The GATS contains a strong national treatment provision that requires a country to accord to services and services suppliers of other countries treatment no less favorable than that accorded to its own services and services suppliers. It specifically requires GATS countries to ensure that their laws and regulations do not tilt competitive conditions in the domestic market against foreign firms in scheduled services sectors, i.e., those listed in its schedule of commitments.

Market Access: The GATS also includes a market access provision which incorporates disciplines on six types of discriminatory measures that governments frequently impose to limit competition or new entry in their markets. These laws and regulations -- such as restrictions on the number of firms allowed in the market, economic "needs tests" and mandatory local incorporation rules -- are often used to bar or restrict market access by foreign firms. A country must either eliminate these barriers in any sector that it includes in its schedule of commitments or negotiate with its trading partners for their limited retention.

Additional Provisions: For services companies who benefit from sectoral commitments, the framework also guarantees the free flow of current payments and transfers. The provision on transparency requires prompt publication of all relevant measures covered by the agreement. The GATS allows countries to enter into free trade arrangements with other countries and to establish mutual recognition agreements for licensing, qualifications or standards. Disputes over barriers to trade in services will be settled under the new strengthened rules of the Dispute Settlement Understanding.

The GATS also recognizes the right to regulate or introduce new regulations. Exceptions to the GATS are provided for national security, safety, human, animal and plant life or health, prevention of fraudulent practices, protection of privacy, and measures taken pursuant to tax laws.

Subject to negotiations, specific laws or regulatory practices may be exempted from **MFN treatment**, by listing them in an annex provided for that purpose. This mechanism allows countries to preserve their ability to use unilateral measures as a means of encouraging trade liberalization.

Future Negotiations: Given the breadth and complexity of the services sector, the GATS provides for the progressive liberalization of trade in services. Successive rounds may be commenced at five-year intervals to allow improvements in market access and national treatment commitments and to allow liberalization of MFN exemptions. The GATS also sets out terms for the negotiation of several framework provisions which currently contain no substantive disciplines such as subsidies, government procurement, and emergency safeguard actions. In addition, Ministerial Decisions related to the GATS will establish work programs in several areas such as trade and the environment, long distance basic telephone services, maritime transport services and reduction of barriers to trade in professional services.

15. TRADE-RELATED INTELLECTUAL PROPERTY RIGHTS

U.S. Objectives

The principle negotiating objectives of the United States with respect to trade-related intellectual property rights (TRIPs) were to:

- implement adequate standards for the protection of copyrights, patents, trademarks, semiconductor chip layout designs, trade secrets and to prohibit unfair competition,
- establish effective enforcement procedures internally and at the border, and
- implement effective dispute settlement procedures that improve on existing GATT procedures.

Results

The TRIPs agreement establishes improved standards for the protection of a full range of intellectual property rights and the enforcement of those standards both internally and at the border. The intellectual property rights covered by the agreement are: copyrights, patents, trademarks, industrial designs, trade secrets, integrated circuits (semiconductor chips) and geographical indications.

The TRIPs text is covered by the Dispute Settlement Understanding, thus ensuring application of the improved dispute settlement procedures, including the possibility of imposing trade sanctions, such as increasing tariffs, if another Member violates TRIPs obligations.

The TRIPs agreement achieves improved standards of protection in the areas of key interest to the United States. In the area of protection of geographic indications, the U.S. wine industry and trademark owners are safeguarded and we will simply make permanent existing regulations.

The agreement also includes strong enforcement provisions that are critical to obtaining effective enforcement of the agreed standards. Members must also enforce copyrights and trademarks at their borders against counterfeiting and piracy.

Key Provisions

Copyrights: The text resolves some key trade problems for U.S. software, motion picture and recording interests by:

- o protecting computer programs as literary works and databases as compilations under copyright;
- o imposing an obligation on Members to grant owners of computer programs and sound recordings the right to authorize or prohibit the rental of their products;
- o establishing a term of 50 years for the protection of sound recordings as well as requiring Members to provide protection for existing sound recordings; and
- o setting a minimum term of 50 years for the protection of motion pictures and other works where companies may be the author.

The Agreement also obligates Members to comply with the provisions of the Berne Convention, the preeminent international copyright treaty, with the exception of that Convention's requirements on moral rights.

Patents: The Agreement resolves long-standing trade irritants for U.S. patent interests, especially pharmaceutical and agricultural chemical companies. Key benefits provided under the Agreement are:

- o product and process patents for virtually all types of inventions, including pharmaceuticals and agricultural chemicals;
- o meaningful limitations on the ability to impose compulsory licensing;
- o a patent term of 20 years from the date the application is filed; and
- o prompt implementation of procedures to permit the filing of patent applications covering pharmaceuticals and agricultural chemicals upon the entry into force of the agreement.

Trademarks: The Agreement:

- o requires Parties to register service marks in addition to trademarks;
- o enhances protection for internationally well-known marks;

- prohibits the mandatory linking of trademarks;
- prohibits the compulsory licensing of marks.

Other Protections: The Agreement also provides rules for protecting:

- trade secrets which enable owners to prevent unauthorized use or disclosure of confidential information;
- integrated circuits that eliminate the deficiencies of the Washington Treaty;
- industrial designs consistent with existing U.S. laws; and
- non-generic geographical indications used to identify wines and spirits.

Finally, the Agreement contains obligations to provide effective enforcement for these intellectual property rights, both internally and at the border (including safeguards to prevent abuses), and specific provisions on injunctions, damages and obtaining evidence.

16. DISPUTE SETTLEMENT

U.S. Objectives

In the negotiations on dispute settlement, the United States sought to improve, strengthen and increase the transparency of the GATT dispute settlement procedures and to ensure that all of the Uruguay Round Agreements were subject to a single effective dispute settlement system. The principal negotiating objectives of the United States with respect to dispute settlement were:

- to provide for more effective and expeditious dispute settlement mechanisms and procedures; and
- to ensure that such mechanisms within the GATT and Uruguay Round agreements provide for more effective and expeditious resolution of disputes and enable better enforcement of U.S. rights.

Results

The Dispute Settlement Understanding (DSU) creates new procedures for settlement of disputes arising under any of the Uruguay Round agreements. It significantly improves the existing system by providing strict time limits for each step in the dispute settlement process. The effectiveness of the system is also improved through provisions guaranteeing a right to a panel, adoption of panel reports unless there is a consensus to reject the report, appellate review of the legal aspects of a report on request, time limits on when a Member must bring its laws into conformity with panel rulings and recommendations and authorization of retaliation in the event that a Member has not brought its laws into conformity with its obligations within that set period of time. There will be a single system that will apply the strengthened rules and procedures to all disputes with only minor exceptions. A single panel will now be able to address all issues raised under any of the covered agreements. Public access to information about disputes is increased.

Key Provisions

The dispute settlement process can be completed within 16 months from the request for consultations even if there is recourse to the DSU appellate body. If a Member does not implement the panel's recommendations within the established time frame, the complaining party can seek authorization of retaliation. Such retaliation can consist of increases in bound tariffs or other actions. This may be authorized even if there is a violation of the TRIPs or GATS agreement.

The DSU includes improvements in providing access to information in the dispute settlement process. It contains a requirement that parties to a dispute provide non-confidential summaries of their panel submissions that can be provided to the public, and recognition that a party can disclose its submissions and positions to the public at any time that it choose. It expressly authorizes panels to form expert review groups to provide advice on scientific or other technical issues of fact.

The DSU requires Members to use the dispute settlement mechanism when they seek redress of a violation of one of the agreements or nullification or impairment of the benefits of the agreements. U.S. law currently requires recourse to GATT dispute settlement in cases involving a trade agreement, prior to taking other actions.

The automatic nature of the new procedures will vastly improve the enforcement of the substantive provisions in each of the agreements. Other countries will not be able to block the adoption of panel reports. Members will have to implement obligations promptly and the United States will be able to take authorized trade action if Members fail to act.

If Members of the DSU do not comply with their obligations at the end of the dispute settlement process, trade action under section 301 of the Trade Act of 1974 will be legitimized and there will be no risk of counter-retaliation.

17. WORLD TRADE ORGANIZATION

U.S. Objectives

The principal trade negotiating objectives of the United States regarding the improvement of GATT and multilateral trade negotiation agreements were

- to enhance the status of the GATT;
- to improve the operation and extend the coverage of the GATT and such agreements and arrangements to products, sectors, and conditions of trade not adequately covered; and
- to expand country participation in particular agreements or arrangements, where appropriate.

Results

The Agreement Establishing the World Trade Organization (WTO) facilitates the implementation of trade agreements in the diverse areas of trade in goods, trade in services and the protection of trade-related intellectual property rights.

The WTO would encompass the current GATT structure and extend it to new disciplines that have not been adequately covered in the past. By bringing together disciplines on government practices affecting trade in goods and services and the protection of intellectual property rights under one institutional umbrella, the WTO Agreement also facilitates the "cross-retaliation" mechanism of the integrated dispute settlement understanding.

In addition, the WTO will help to resolve the "free rider" problem in the world trading system. The WTO system is available only to countries that are contracting parties to the GATT, agree to adhere to all of the Uruguay Round agreements, and submit schedules of market access commitments for industrial goods, agricultural goods and services. This will eliminate the shortcomings of the current system in which, for example, only a handful of countries have voluntarily adhered to disciplines on subsidies under the 1979 Tokyo Round agreement.

The WTO Agreement establishes a number of institutional rules (described below) that will be applied with respect to all of the Uruguay Round agreements. The agreement will establish an international organization with a stature commensurate with that of the Bretton Woods financial institutions, the World Bank and International Monetary Fund. The organization would not be different in character from that of the existing GATT Secretariat, however, nor is it expected to be a larger, more costly, organization.

Key Provisions

Trade and Environment: The WTO Agreement includes in its preamble language recognizing the importance of environmental concerns. This addresses a key interest among U.S. environmental and conservation groups, which have often expressed concern that our international trade agreements have failed to take environmental issues into account. WTO negotiators have also agreed to develop a work program on trade and environment to ensure the responsiveness of the multilateral trading system to environmental objectives.

Decision-making: The United States was successful in its effort to retain the practice of general decision-making by consensus followed under the GATT since 1947. Consensus is defined as being achieved "if no Member, present at the meeting where the decision is taken, formally objects to the proposed decision." This will continue to enable the United States to prevent the application to us of a decision that we perceive to be contrary to our interest.

Amendments: Similarly, the agreement permits amendments but ensures that an amendment of the substantive rights and obligations will not be binding on the United States without its acceptance of the amendment. In contrast, amendments to purely procedural provisions of the Uruguay Round agreements will be binding on all Members in order to avoid the destabilizing effect that would result if different Members were subject to different procedural rules.

Waivers: The agreement allows the Members to grant waivers of substantive provisions in the various Uruguay Round agreements, but only in exceptional circumstances and, in the case of an obligation subject to phased-in implementation (such as those in the TRIPs agreement) that has not yet been fulfilled by the requesting Member, only by consensus. Also, the waiver provision substantially increases the threshold for obtaining waivers from two-thirds of Members present to three-quarters of all Members. Any waivers granted are subject to specific conditions, including a date on which the waiver will terminate.

Interpretations: The WTO Agreement clarifies that the reports of dispute settlement panels do not constitute "authoritative" interpretations of the relevant agreements. Only the Members themselves (acting through the Ministerial Conference or General Council) could adopt such an interpretation. The agreement also states that interpretations should not be used in a manner that would undermine the amendment provisions.

Non-application: The agreement does not permit sector non-application. Thus, for example, India is precluded from not applying the TRIPs agreement to the United States. With respect to Members of the WTO that accede to the WTO but are not "original Members" (generally, are not GATT contracting parties), a Member can invoke "global" non-application. Thus, with respect to the People's Republic of China and possibly other acceding Members, the United States can choose not to apply the GATT and the Uruguay Round agreements to that country as a whole.

Definitive application: In joining the WTO Agreement, a Member agrees to the definitive application of the obligations of the Uruguay Round multilateral trade agreements. (Accession to the Plurilateral Trade Agreements, such as the Agreement on Government Procurement, is limited to those Members that affirmatively accept these agreements.) Annex 1 to the WTO Agreement eliminates the Protocol of Provisional Application and corresponding provisions in Protocols of Accession to the GATT that had the effect of "grandfathering" certain existing legislation of contracting parties that are inconsistent with the GATT. However, Annex 1 includes a clause that protects from GATT challenge U.S. maritime laws relating to cabotage ("Jones Act").

18. GATT ARTICLES

U.S. Objectives

The mandate of the GATT Articles negotiating group was to discuss improvements to any GATT provision not being negotiated elsewhere, as members felt necessary. The United States had several priorities in the negotiations:

- to tighten GATT exemptions invoked by developing countries with balance-of- payments difficulties (Article XVIII, Section B);
- to clarify GATT disciplines and reporting obligations which apply to state trading enterprises (Article XVII); and
- to strengthen the obligations pertaining to preferential trading arrangements (Article XXIV).

Results and Key Provisions

The balance-of-payments reform (BOP) text increases disciplines and transparency over the use of BOP measures. The text provides that when a country is experiencing serious balance of payments problems, it will impose the least trade distortive trade measures (import surcharges instead of quantitative restrictions) for the shortest period of time possible. It contains a commitment for the least developed countries to announce a plan for the liberalization of such measures. It also provides for more rigorous GATT surveillance of BOP-related trade restrictions and guarantees full rights for GATT members to use GATT dispute settlement procedures to challenge any matter arising from the application of BOP measures.

The state trading text affirms the obligation of GATT contracting parties to ensure that their state trading enterprises -- government-operated import/export monopolies and marketing boards, or private companies that receive special or exclusive privileges from their governments to engage in trading activities -- operate in accordance with GATT rules. The text also provides for improved reporting: it establishes a working party to formulate an illustrative list of the activities of state trading enterprises and to examine state trading notifications.

The text on preferential trading arrangements clarifies the GATT rules that pertain to regional arrangements (customs unions and free trade arrangements) and defines the state/local relationship in regard to GATT obligations.

The understanding on the interpretation of Article II:1(b) of the GATT clarifies that "other duties or charges" levied on bound tariff items shall be recorded in each Member's schedule of tariff concessions.

The understanding in respect of waivers of obligations under the GATT will ensure that existing waivers are time-limited, and that future waivers are subject to greater conditions and disciplines. Also, a separate understanding will clarify the rights and obligations of GATT members that seek to modify or withdraw tariff concessions in the future.

Under Article XXXV, parties would be able to engage in tariff negotiations without prejudicing their right to invoke non-application of the GATT (1994) or the WTO.

19. TRADE POLICY REVIEW MECHANISM

U.S. Objectives

The United States sought to clarify the role of the GATT in the world economy and to ensure greater transparency in application of GATT members' trade measures.

Results and Key Provisions

The Final Act confirms an April 1989 agreement by Ministers establishing the Trade Policy Review Mechanism (TPRM), which would examine, on a regular basis, national trade policies and other economic policies having a bearing on the international trading environment.

The text makes permanent an agreement to conduct annual reviews of the operation of the trading system. The text reconfirms existing notification requirements and calls for the establishment of a central registry of notifications that are made under various agreements (e.g., standards, subsidies).

20. MINISTERIAL DECISIONS AND DECLARATIONS

The Ministerial Decisions and Declarations state the views and objectives of the Uruguay Round participants on a number of issues relating to the operation of the global trading system, provide for the continuation of the improvements to the dispute settlement system that became effective in 1989 and deal with other matters concerning the operation of the dispute settlement system. The Ministerial Decisions and Declarations that are now proposed for adoption are the following:

Decision On Measures in Favour of Least-Developed Countries: providing an additional period of one year for least developed developing countries to submit their market access schedules, establishing review process to evaluate measures taken in favor of least developed countries, and providing for special consideration of import relief and other measures.

Declaration on the Contribution of the WTO To Achieving Greater Coherence In Global Economic Policymaking: setting forth a statement of aspirations concerning the WTO, its interaction with international financial institutions, and its role in global economic policy making.

Decision on Notification Procedures: reaffirming the general notification obligation, creating a central registry of notifications, and providing for review of notification obligations and procedures.

Customs Valuation

Decision Regarding Cases where Customs Administrations have Reasons to Doubt the Truth or Accuracy of the Declared Value: providing working principles for use by customs administrations where truth or accuracy of the declared value of goods is in doubt.

Texts Relating to Minimum Values and Imports by Sole Agents, Sole Distributors and Sole Concessionaires: referring texts for consideration and possible adoption by Committee on Customs Valuation.

Technical Barriers to Trade

Proposed Understanding on WTO-ISO Standards Information System: recommending that the WTO Secretariat reach an understanding with the ISO to establish an information system.

Decision on Review of the ISO/IEC Information Centre Publication: providing for an annual opportunity to discuss matters relating to the code of good practice.

Decision on Measures Concerning The Possible Negative Effects of the Reform Programme On Least-Developed and Net Food-Importing Developing Countries: concerning food-aid programs and other measures to ensure that least-developed and net food-importing countries can obtain assistance in meeting food needs.

General Agreement on Trade in Services

Decision on Institutional Arrangements for the GATS: setting forth recommendations for subsidiary bodies to be authorized by the Council for Trade in Services.

Decision on Certain Dispute Settlement Procedures for the GATS: setting forth special and additional dispute settlement procedures.

Decision concerning Paragraph (b) of Article XIV of the GATS: authorizing formation of a Working Party to examine possible modification to Article XIV of the Agreement to examine further the relationship between the environment and trade in services.

Decision on Negotiations on Basic Telecommunications: setting forth terms of reference for future negotiations on the basic telecommunications sector.

Understanding on Commitments in Financial Services: setting forth alternative approach to scheduling of specific commitments in the financial services sector.

Decision on Financial Services: allowing for suspension of MFN exemptions for six-month period following entry into force of the Agreement to facilitate adjustment of schedules.

Decision concerning Professional Services: recommending creation of a Working Party on professional services to examine technical standards and licensing requirements in the professional services sector.

Decision on Movement of Natural Persons: setting forth terms of reference for future negotiations regarding movement of natural persons and their relationship to trade in services.

Decision on Maritime Transport Services: setting forth terms of reference for future negotiations regarding maritime transport services.

Decision on Implementation of Article XXIV:2 of the Agreement on Government Procurement: setting forth procedures for notification of a country's intention to accede to the Agreement and the accession process.

Decision on the Application and Review of the Understanding on Rules and Procedures Governing the Settlement of Disputes: providing for the continued application of the Understanding until the WTO Agreement enters into effect, and providing for a review of the Dispute Settlement Understanding to be completed four years after the date of entry into force.

Decision on Improvements to the GATT Dispute Settlement Rules and Procedures: providing for the continued application of 1989 improvements to dispute settlement rules and procedures until date of entry into force of the WTO Agreement.

Agreement on Implementation of Article VI of GATT 1994

Statement on Anti-Circumvention: referring the issue of circumvention of antidumping duty measures to the Committee on Anti-Dumping Practices.

Statement on Standard of Review for Dispute Settlement Panels: providing for a review of Article 17.6 of the Agreement three years after entering into force.

Statement on Dispute Settlement pursuant to the Agreement on Implementation of Article VI of GATT 1994 or Part V of the Agreement on Subsidies and Countervailing Measures 1994: recognizing the need for consistent resolution of disputes arising from antidumping and countervailing duty measures.

21. GOVERNMENT PROCUREMENT

U.S. Objectives

In the negotiations on Government Procurement, the U.S. government objectives were to expand coverage of the agreement to open significant export opportunities in new areas of procurement, including telecommunications and heavy electrical equipment, subcentral (state and municipal) procurement, services and construction. In addition, the United States sought better enforcement of the Code by requiring signatories to establish an effective bid protest system and tighten other disciplines.

Results

The United States has concluded a new Agreement on Government Procurement to replace the existing agreement. This new Agreement expands coverage to significant new areas of procurement and improves the disciplines applicable to government procurement. In addition to the current members of the Agreement (European Community, Japan, Canada, the Nordic countries, Hong Kong, Switzerland, Austria and Israel), Korea has agreed to join.

In contrast to the existing agreement, which covers only central government procurement of goods, the new Agreement includes procurement of services and construction and some coverage of subcentral governments and government-owned utilities. The United States and EC, in particular, have agreed to seek expansion of their bilateral coverage packages to subcentral and government-owned utilities by April 15, 1994. At the same time, the new Agreement contains provisions that will improve enforcement of the Agreement's disciplines, as well as provisions anticipating future changes in procurement practices, such as streamlining procurement and electronic contracting.

Key Provisions

Effective Date: The new Agreement will go into force on January 1, 1996 with respect to all signatories, except for Hong Kong and Korea, for which the Agreement will be effective by no later than January 1, 1997.

Publication: Central government entities must publish a notice of each procurement in a readily available centralized publication. State and local government entities and government-owned utilities may publish once a year a notice regarding a qualification system or a forecast of anticipated procurements, which serves as an invitation to participate in all related procurements over the forthcoming year. These entities must follow up by transmitting specific information on such procurements to all those firms that have responded to the notice but can limit invitations to tender (i.e., an RFP) to selected firms from a list of qualified firms.

Bid Deadlines: Although the general rule on bid deadlines remains 40 days, under certain circumstances, deadlines can be reduced to not less than ten days.

Development of Technical Specifications: Entities at all levels of government are encouraged to establish technical specifications in terms of performance rather than design and on the basis of accepted international or national standards, where appropriate. They must not be formulated or communicated on a discriminatory basis.

Quality of Life Restrictions: Government entities can claim exemptions for recycled products and other "quality of life" restrictions under the Agreement, as long as they are not "a means of arbitrary or unjustifiable discrimination."

Notification of Losing Bidders: Entities at all levels must "promptly" inform bidders of decisions on contract award, either orally or in writing, if requested.

Bid Protest: In a significant improvement over the existing agreement, Government entities at all levels must provide non-discriminatory, timely, transparent and effective procedures enabling suppliers and service providers to challenge alleged breaches of the procedural provisions of the Agreement. A challenge must be heard by an impartial and independent review body with no interest in the outcome of the procurement and whose members are secure from external influence during the term of appointment. In addition, in the event the review body is not a court, the Agreement requires the body to apply court-like procedures. Finally, the procedures must provide for the possibility of procurement suspension while a challenge is being heard and compensation for the loss or damages, including costs for tender preparation or protest, or reversal after an award decision has been made.

Offsets: The Agreement prohibits the use of offsets as a condition for award unless a derogation is specified in a country's schedule. This is a substantial improvement over the existing Code, which authorizes offsets.

Dispute Settlement: The Agreement provides that the provisions of the Dispute Settlement Understanding will apply with a few exceptions. In recognition of the special nature of procurement, the Agreement urges that the dispute resolution panel make every effort to reduce the time frames set forth in the Understanding for reaching decisions. The Agreement limits the Dispute Settlement Body, which is charged with establishing panels, making recommendations and authorizing suspension of concessions, to signatories to the Agreement. Finally, the Agreement expands potential remedies in the event that the normal remedy of withdrawing the inconsistent measures is not possible.

Coverage

The Agreement will govern procurement by central government entities of goods and services above a threshold of 130,000 SDRs (approximately $182,00) and of construction services above a threshold of 5 million SDRs (approximately $6.5 million). The United States has agreed to cover procurement by all executive agencies subject to the Federal Acquisition Regulations. The United States has specifically excluded from coverage procurement subject to small and minority preference programs. In addition, the United States has not offered procurement of a number of sensitive services sectors, such as transportation, research and development and management and operation of Federal research centers and laboratories.

The new Agreement also envisions coverage of procurement by subcentral government entities and government-owned utilities and corporations. In negotiating coverage in these areas, the United States gave priority to access to procurement by government-owned telecommunications and heavy electrical generating utilities. For Korea, Israel and Hong Kong, which offered access to those sectors and others like ports, airports, and rails, the United States agreed to cover procurement by 24 states, including the five largest states, and the federally-owned utilities. The United States offer of states' procurement was based on voluntary commitments by the states and excluded federally-funded mass transit and highway projects.

With the EC, the United States agreed to pursue an expansion of coverage to subcentral governments and government-owned utilities by April 15, 1994. We expect that this expanded package can be extended to the Nordic countries, Switzerland and Austria as well. With regard to Japan, the United States did not offer access to these categories of procurement in light of Japan's refusal to lower its threshold for construction services, which is three times higher than that agreed by most other parties. We also declined to apply these categories to Canada because it was not prepared to cover its provincial hydro-electric crown corporations.

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LIST OF PUBLIC LAWS

This is a continuing list of public bills from the current session of Congress which have become Federal laws. It may be used in conjunction with "P L U S" (Public Laws Update Service) on 202–523–6641. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone, 202–512–2470).

H.R. 2202/P.L. 103–183
Preventive Health Amendments of 1993 (Dec. 14, 1993; 107 Stat. 2226; 17 pages)

H.R. 486/P.L. 103–184
To provide for the addition of the Truman Farm Home to the Harry S Truman National Historic Site in the State of Missouri. (Dec. 14, 1993; 107 Stat. 2243; 1 page)

H.R. 3321/P.L. 103–185
To provide increased flexibility to States in carrying out the Low-Income Home Energy Assistance Program. (Dec. 14, 1993; 107 Stat. 2244; 1 page)

H.R. 3616/P.L. 103–186
To require the Secretary of the Treasury to mint coins in commemoration of the 250th anniversary of the birth of Thomas Jefferson, Americans who have been prisoners of war, the Vietnam Veterans Memorial on the occasion of the 10th anniversary of the Memorial, and the Women in Military Service for America Memorial, and for other purposes. (Dec. 14, 1993; 107 Stat. 2245; 10 pages)

H.J. Res. 272/P.L. 103–187
Designating December 15, 1993, as "National Firefighters Day". (Dec. 14, 1993; 107 Stat. 2255; 1 page)

S. 717/P.L. 103–188
Egg Research and Consumer Information Act Amendments of 1993 (Dec. 14, 1993; 107 Stat. 2256; 3 pages)

S. 778/P.L. 103–189
Watermelon Research and Promotion Improvement Act of 1993 (Dec. 14, 1993; 107 Stat. 2259; 7 pages)

S. 994/P.L. 103–190
Fresh Cut Flowers and Fresh Cut Greens Promotion and

Information Act of 1993 (Dec. 14, 1993; 107 Stat. 2266; 25 pages)

S. 1716/P.L. 103–191

To amend the Thomas Jefferson Commemoration Commission Act to extend the deadlines for reports. (Dec. 14, 1993; 107 Stat. 2291; 1 page)

S. 1732/P.L. 103–192

To extend arbitration under the provisions of chapter 44 of title 28, United States Code, and for other purposes. (Dec. 14, 1993; 107 Stat. 2292; 1 page)

S. 1764/P.L. 103–193

To provide for the extension of certain authority for the Marshal of the Supreme Court and the Supreme Court Police. (Dec. 14, 1993; 107 Stat. 2293; 1 page)

S. 1766/P.L. 103–194

Lime Research, Promotion, and Consumer Information Improvement Act (Dec. 14, 1993; 107 Stat. 2294; 3 pages)

S. 1769/P.L. 103–195

To make a technical amendment, and for other purposes. (Dec. 14, 1993; 107 Stat. 2297; 2 pages)

S.J. Res. 154/P.L. 103–196

Designating January 16, 1994, as "Religious Freedom Day". (Dec. 14, 1993; 107 Stat. 2299; 2 pages)

Last List December 13, 1993

CFR CHECKLIST

This checklist, prepared by the Office of the Federal Register, is published weekly. It is arranged in the order of CFR titles, stock numbers, prices, and revision dates.

An asterisk (*) precedes each entry that has been issued since last week and which is now available for sale at the Government Printing Office.

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Title	Stock Number	Price	Revision Date
1, 2 (2 Reserved)	(869-019-00001-1)	$15.00	Jan. 1, 1993
3 (1992 Compilation and Parts 100 and 101)	(869-019-00002-0)	17.00	[1] Jan. 1, 1993
4	(869-019-00003-8)	5.50	Jan. 1, 1993
5 Parts:			
1-699	(869-019-00004-6)	21.00	Jan. 1, 1993
700-1199	(869-019-00005-4)	17.00	Jan. 1, 1993
1200-End, 6 (6 Reserved)	(869-019-00006-2)	21.00	Jan. 1, 1993
7 Parts:			
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27-45	(869-019-00008-9)	13.00	Jan. 1, 1993
46-51	(869-019-00009-7)	20.00	Jan. 1, 1993
52	(869-019-00010-1)	28.00	Jan. 1, 1993
53-209	(869-019-00011-9)	21.00	Jan. 1, 1993
210-299	(869-019-00012-7)	30.00	Jan. 1, 1993
300-399	(869-019-00013-5)	15.00	Jan. 1, 1993
400-699	(869-019-00014-3)	17.00	Jan. 1, 1993
700-899	(869-019-00015-1)	21.00	Jan. 1, 1993
900-999	(869-019-00016-0)	33.00	Jan. 1, 1993
1000-1059	(869-019-00017-8)	20.00	Jan. 1, 1993
1060-1119	(869-019-00018-6)	13.00	Jan. 1, 1993
1120-1199	(869-019-00019-4)	11.00	Jan. 1, 1993
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1900-1939	(869-019-00022-4)	13.00	Jan. 1, 1993
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1950-1999	(869-019-00024-1)	32.00	Jan. 1, 1993
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§§ 1.851-1.907	(869-019-00092-5)	27.00	Apr. 1, 1993
§§ 1.908-1.1000	(869-019-00093-3)	26.00	Apr. 1, 1993
§§ 1.1001-1.1400	(869-019-00094-1)	22.00	Apr. 1, 1993
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1900–1910 (§§ 1901.1 to 1910.999)	(869–019–00111–5)	31.00	July 1, 1993
•1910 (§§ 1910.1000 to end)	(869–019–00112–3)	21.00	July 1, 1993
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34 Parts:			
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•190–259	(869–019–00149–2)	17.00	July 1, 1993
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[1] Because Title 3 is an annual compilation, this volume and all previous volumes should be retained as a permanent reference source.

[2] The July 1, 1985 edition of 32 CFR Parts 1-189 contains a note only for Parts 1-39 inclusive. For the full text of the Defense Acquisition Regulations in Parts 1-39, consult the three CFR volumes issued as of July 1, 1984, containing those parts.

[3] The July 1, 1985 edition of 41 CFR Chapters 1-100 contains a note only for Chapters 1 to 49 inclusive. For the full text of procurement regulations in Chapters 1 to 49, consult the eleven CFR volumes issued as of July 1, 1984 containing those chapters.

[4] No amendments to this volume were promulgated during the period Apr. 1, 1990 to Mar. 31, 1993. The CFR volume issued April 1, 1990, should be retained.

[5] No amendments to this volume were promulgated during the period Apr. 1, 1991 to Mar. 31, 1993. The CFR volume issued April 1, 1991, should be retained.

[6] No amendments to this volume were promulgated during the period July 1, 1991 to June 30, 1993. The CFR volume issued July 1, 1991, should be retained.

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